



**Nebraska Public Power District**

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NLS2003064

June 3, 2003

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

U.S. Nuclear Regulatory Commission  
Attn: Mr. Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation  
Mail Stop O5-E-07  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Attn: Rulemakings and Adjudications Staff  
Washington, DC 20555-0001

Subject: Answer, Response, and Request for Clarification in Response to  
April 29, 2003, Order for Compensatory Measures Related to  
Fitness-For-Duty Enhancements Applicable to Nuclear Facility  
Security Force Personnel (EA-03-038)

By this letter Nebraska Public Power District (NPPD) hereby answers the April 29, 2003, Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038) ("Order"). Pursuant to Section IV of the Order and 10 CFR §2.202, NPPD requests an extension of time in which to submit information in response to the Order and to request a hearing. In addition, NPPD requests the Nuclear Regulatory Commission (NRC) provide certain information to ensure NPPD fully understands the underlying bases of the Order and, therefore, can most effectively implement its individual requirements.

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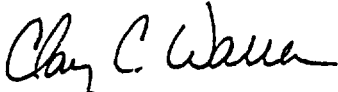
Section II of the Order states that, "[t]he Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel."

The Order does not explain the bases for the specific limits and other requirements described in the Order in sufficient detail for NPPD to understand the rationale for the requirements. NPPD therefore requests that the NRC provide: the bases for the specific limits prescribed in the Order; the bases upon which it relied to establish a linkage between the specific limits chosen and any causal relationship to fatigue that would otherwise occur if those individual or group work hour limits were to be exceeded; and information pertaining to any events or incidents where the NRC has determined that fatigue was the cause or a major contributing factor in those events or incidents.

As provided for in Section IV of the Order, good cause for granting an extension of time to respond to the Order and to request a hearing is shown in that no basis or rationale for the Order has been demonstrated. Thus, NPPD requests that the Director, Nuclear Reactor Regulation extend the time periods for responding to the Order (including, specifically, Sections III.B.1 and 2) and for requesting a hearing from the time period specified in the Order until 35 days after the date that the NRC provides the bases for the work hour limits in the Order. Section III.C. of the Order requires that "[a]ll licensees shall within thirty-five (35) days of the date of this Order, submit to the Commission a schedule for achieving compliance with each requirement described in Attachment 2 [of the Order]." Subject to the foregoing request for information concerning the bases for the Order and the request for an extension of time in accordance with Section IV, NPPD will achieve compliance with all applicable requirements not later than October 29, 2003.

NPPD also hereby confirms its understanding that the Commission intends to exercise enforcement discretion to accommodate issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this Order. We further understand that the Commission will exercise enforcement discretion for the period necessary to resolve such issues, and to integrate the requirements of this Order with the orders issued

February 25, 2002, as well as with other pertinent regulatory requirements, and our safeguards contingency plan, physical security plan and guard training and qualification plan.



Clay C. Warren  
Vice President – Nuclear and  
Chief Nuclear Officer

/nr

Attachment

cc: Assistant General Counsel for Materials  
Litigation and Enforcement w/o attachment  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(via facsimile)

Regional Administrator w/o attachment  
U.S. Nuclear Regulatory Commission  
Region IV  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011

STATE OF NEBRASKA )

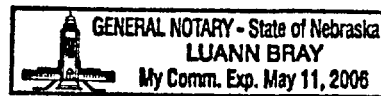
NEMAHA COUNTY )

Clay C. Warren, being first duly sworn, deposes and says that he is an authorized representative of the Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska; that he is duly authorized to submit this correspondence on behalf of Nebraska Public Power District; and that the statements contained herein are true to the best of his knowledge and belief.

Clay C. Warren  
Clay C. Warren

Subscribed in my presence and sworn to before me this 3<sup>rd</sup> day of June, 2003.

LuAnn Bray  
NOTARY PUBLIC



Compliance with Compensatory Measures Related to Fitness-For-Duty  
Enhancements Applicable to Nuclear Facility Security Force Personnel  
Order, EA-03-038

Consistent with the requests provided in NPPD's letter to the NRC on this matter, the following answers are provided:

Order EA-03-038, Item III.A

All licensees shall, notwithstanding the provisions of any Commission regulation or license to the contrary, comply with the requirements described in Attachment 2 to Order EA-03-038 except to the extent that a more stringent requirement is set forth in the Licensee's security plans. The Licensees shall immediately start implementation of the requirements in Attachment 2 to the Order and shall complete implementation no later than October 29, 2003.

NPPD Response to Order EA-03-038, Item III.A

NPPD will immediately start implementation of the requirements in Attachment 2 to Order EA-03-038, and will be in compliance per the schedule outlined in response to Item III.C.1.

Order EA-03-038, Item III.C.1

All Licensees shall, within thirty-five (35) days of the date of this Order, submit to the Commission a schedule for achieving compliance with each requirement described in Attachment 2.

NPPD Response to Order EA-03-038, Item III.C.1

NPPD is implementing the requirements in Attachment 2 to Order EA-03-038 and will be in compliance with the requirements per the schedule below:

NPPD will be in compliance with the requirements of Item C.1 by October 29, 2003.

NPPD will be in compliance with the requirements of Item C.2 by October 29, 2003.

NPPD will be in compliance with the requirements of Item C.3 by October 29, 2003.

NPPD will be in compliance with the requirements of Item C.4 by October 29, 2003.

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Order EA-03-038, Item III.C.2

All Licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment 2.

NPPD Response to Order EA-03-038, Item III.C.2

NPPD will notify the NRC when full compliance with the requirements outlined in Attachment 2 to Order EA-03-038 have been achieved.

ATTACHMENT 3 LIST OF REGULATORY COMMITMENTS
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Correspondence Number: NLS2003064

The following table identifies those actions committed to by Nebraska Public Power District (NPPD) in this document. Any other actions discussed in the submittal represent intended or planned actions by NPPD. They are described for information only and are not regulatory commitments. Please notify the NL&S Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
NPPD will be in compliance with the requirements of Item C.1 by October 29, 2003.	October 29, 2003
NPPD will be in compliance with the requirements of Item C.2 by October 29, 2003.	October 29, 2003
NPPD will be in compliance with the requirements of Item C.3 by October 29, 2003.	October 29, 2003
NPPD will be in compliance with the requirements of Item C.4 by October 29, 2003.	October 29, 2003
NPPD will notify the NRC when full compliance with the requirements outlined in Attachment 2 to Order EA-03-038 have been achieved.	October 29, 2003