



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

March 24, 2004

EA-04-026

Randall K. Edington, Vice
President-Nuclear and CNO
Nebraska Public Power District
P.O. Box 98
Brownville, NE 68321

**SUBJECT: COOPER NUCLEAR STATION - NRC INSPECTION
REPORT 05000298/2004-009 BIENNIAL LICENSED OPERATOR
REQUALIFICATION INSPECTION - FINAL SIGNIFICANCE DETERMINATION
FOR A WHITE FINDING**

Dear Mr. Edington:

The purpose of this letter is to provide you the final results of our significance determination of the preliminary White finding identified in the subject inspection report dated February 11, 2004. The inspection finding was assessed using NRC Inspection Manual Chapter 0609, Appendix I, "Operator Requalification Human Performance Significance Determination Process (SDP)," and was preliminarily determined to be White, a finding with low to moderate increased importance to safety, which may require additional NRC inspections. As indicated in the subject inspection report, testing results failed to demonstrate satisfactory licensed operator requalification program performance as described in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," Revision 8, Supplement 1, Examination Standard 601, Section E.3.a(1), "Evaluation of Requalification Programs."

Examination Standard 601 E.3.a(1) specifies, in part, that for a requalification program to maintain satisfactory performance, 75 percent or greater of the participants must pass all portions of the biennial examinations. Failures during the biennial cycle included a 36 percent failure rate on the biennial written examination.

In a telephone conversation with Mr. Anthony T. Gody, Chief, Operations Branch, on February 20, 2004, with Messrs. Jerry Roberts and Paul Fleming, your staff indicated that Nebraska Public Power District was not requesting a regulatory conference but would submit a written response. We received your written response on March 12, 2004.

In your written response, you indicated that (1) it was inappropriate to conclude that the operator licensing program is unsatisfactory and then use that perceived problem to execute the SDP flowchart; (2) your assessment of the significance of the finding was Green; and (3) should the NRC conclude that the final significance determination was White, you expected that our inspection efforts would be limited to those described in NRC Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area."

After considering the information developed during the inspection and the additional information you provided in your letter dated March 12, 2004, the NRC has concluded that the inspection finding is appropriately characterized as White, an issue with low to moderate increased importance to safety, which may require additional NRC inspections.

With respect to how the finding was processed through the SDP, we considered your comments and concluded that we properly implemented the intent of the SDP contained in NRC Inspection Manual Chapter 0609, Appendix I. The SDP provides guidance for stepping through the various sections of the chart and specifically states that the SDP looks at the overall requalification program by questioning if less than 75 percent of the operators passed. This determination is consistent with the guidance contained in NUREG-1021, Revision 8, Supplement 1, Examination Standard 601. The discussion in the subject inspection report requires no further clarification. As noted in your response, the NRC did identify some enhancements to the guidance in NRC Manual Chapter 0609, Appendix I, and will be making those changes in the next revision.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

Because plant performance for this issue has been determined to be in the regulatory response band, we used the NRC Action Matrix to determine the most appropriate NRC response for this finding. Accordingly, we have determined that the supplemental inspection will be conducted in accordance with NRC Inspection Procedure 95001 during the week of April 5, 2004.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

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ADAMS: Yes No Initials: ATG
 Publicly Available Non-Publicly Available Sensitive Non-Sensitive
 DOCUMENT: R:_CNS\CN2004-09lt-Final SDP for White

C:OB	C:PBC	C:IOLB	D:ACES	OE	D:DRS
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