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## **SAFEGUARDS INFORMATION**

NLS2004061

April 29, 2004

**Via Overnight Delivery**

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

**SUBJECT:** Supplemental Response to the April 29, 2003, Orders to Nebraska  
Public Power District  
Cooper Nuclear Station, Docket No. 50-298, License No. DPR-46

The Nuclear Regulatory Commission (NRC) issued an Order dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat, ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for Cooper Nuclear Station (CNS). This Supplemental Response of Nebraska Public Power District (NPPD) to Order EA-03-086 supplements the previous response dated June 3, 2003, that NPPD filed pursuant to 10 CFR 50.4 and Section III, Conditions A.1, B.1 and B.2.

Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

**NOTE:** Attachments A, C, and E contain "Safeguards Information." Upon separation from this letter, this letter, and Attachment B and D become "DECONTROLLED."

## **SAFEGUARDS INFORMATION**

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*NS05*  
*\* ARB*  
*1/1 CD-ROM*

In accordance with the Order and 10 CFR 50.4, NPPD is submitting this Supplemental Response for CNS. This submittal includes, as Attachment A, revisions to the CNS Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous submittals of NPPD in these areas, including those related to the February 25, 2002, January 7, 2003, and April 29, 2003, Orders. NPPD will continue to implement the provisions of those previous submittals except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not compromise plant safety.

NPPD has developed these plans to be consistent with NEI-03-01, Revision 1, *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09, Revision 1, *Security Officer Training Program* (January 2004); and NEI-03-12, Revision 1, *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan*, (February 2004). The schedule for completing those actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. To facilitate the NRC's review, any provisions that are different from NEI-03-12 are identified and the justification provided in Attachment C, Deviations from NEI-03-12, to this submittal. Attachment D, Previous Exemptions to 10 CFR Part 73 is a listing of previously granted to NPPD and an explanation of their status under the plans hereby submitted. Attachment E, Justifications for Alternatives, includes the justification for any of the alternatives provided in NEI-03-12 or in "NRC Guidance on Implementation of the April 2003 Revised Design Basis Threat," that NPPD has adopted.

When the final revision of NEI-03-12 is approved by the NRC, NPPD will supplement this response, if necessary, to conform with NEI-03-12 as finally approved. However, with the filing of these plans, NPPD will be implementing its revised protection strategy and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans, NPPD will be in compliance with all applicable security requirements. For the purpose of complying with the requirements of 10 CFR Part 73 to conduct an annual audit, the date of the letter that will be

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submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete will be the effective date for determining commencement of the annual audit requirement period.

Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, NPPD requests that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

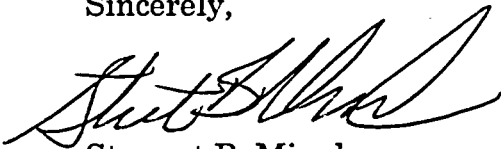
A total of two (2) CD-ROMs are included in this submission. The CD-ROM labeled "NLS2004061-001 Order Response Safeguards," contains the signed copy of this cover letter and Attachments A, B, C, D, and E. The CD-ROM labeled "NLS2004061-002 Order Response Publicly Available," contains the signed copy of this cover letter and Attachments B and D.

If you encounter any problems with the CD-ROMs, have any questions or require additional information, please contact Paul Fleming, Licensing and Regulatory Affairs Manager at 402-825-2774 or [pvflemi@nppd.com](mailto:pvflemi@nppd.com).

This letter contains no new commitments.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 29<sup>th</sup> day of April 2004.

Sincerely,



Stewart B. Minahan  
Acting Site Vice President

/nr

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Attachments: Attachment A - SAFEGUARDS INFORMATION - Security Plan, Training & Qualification Plan and Safeguards Contingency Plan, and with Appendices A, B, and C  
Attachment B - Major Milestone Implementation Schedule  
Attachment C, Deviations from NEI 03-12  
Attachment D, Previous Exemptions to 10 CFR Part 73  
Attachment E, Justifications for Alternatives

Enclosures: Two CD-ROMs as follows:

1. NLS2004061-001 Order Response Safeguards, contains one file - 001Supplemental Order Response which is a signed copy of this cover letter and Attachments A, B, C, D and E.
2. NLS2004061-002 Order Response Publicly Available, contains one file - 002Supplemental Order Response which is a signed copy of this cover letter and Attachments B and D.

References: Nebraska Public Power District Letter from Clay C. Warren, to Document Control Desk dated June 3, 2003, "Answer, Request for Relief, and Response to April 29, 2003, Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086), NLS2003062  
NRC Letters from Samuel J. Collins to Holders of Licenses for Operating Power Reactors as listed in Enclosure 2, dated April 29, 2003 Regarding Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086), Issuance of Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel (EA-03-039) and Issuance of Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038)

cc: NPG Distribution w/o attachments and enclosures

CNS Records w/o attachments and enclosures

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ATTACHMENT 3 LIST OF REGULATORY COMMITMENTS©
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Correspondence Number: NLS2004061

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 Licensing & Regulatory Affairs Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
None	