



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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July 2, 2004

Randall K. Edington, Vice
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Nebraska Public Power District
P.O. Box 98
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**SUBJECT: ANNUAL ASSESSMENT FOLLOWUP LETTER - CLOSURE OF WHITE
EMERGENCY PREPAREDNESS FINDINGS (NRC REPORT 05000298/2004001)**

Dear Mr. Edington:

The purpose of this letter is to inform you of the NRC's intent to close the White emergency preparedness findings that, on April 1, 2002, resulted in Cooper Nuclear Station (CNS) entering the Multiple/Repetitive Degraded Cornerstone column of the Action Matrix as described in Inspection Manual Chapter (IMC) 0305. CNS entered the Multiple/Repetitive Degraded Cornerstone column due to a degraded Emergency Preparedness Cornerstone that existed for more than four quarters. A total of four White findings in the Emergency Preparedness Cornerstone were identified over a period of one year, from the fourth quarter of 2000 to the third quarter of 2001. Three of these findings remained open through the first quarter of 2004 and involved Nebraska Public Power District's (NPPD's) failures to: (1) take effective corrective action for the underlying performance deficiency of failing to recognize a degraded core during an emergency preparedness exercise; (2) make timely offsite notifications following an actual Alert declaration as a result of fire in a potential transformer; and (3) staff the emergency response facilities within the required time following the declaration of an actual Alert.

Upon entry into the Multiple/Repetitive Degraded Cornerstone Column of the Action Matrix, and with oversight by the NRC, NPPD developed The Strategic Improvement Plan to improve performance at CNS. On August 22, 2002, the NRC completed a supplemental inspection using Inspection Procedure 95003, "Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs, or One Red Input." On January 30, 2003, NRC issued a Confirmatory Action Letter (CAL) to NPPD. The purpose of the CAL was to confirm the commitments made by NPPD regarding completion of those actions in their improvement plan developed to address regulatory performance issues. Licensee actions confirmed in the CAL addressed long-standing performance issues in the areas of emergency preparedness, human performance, material condition and equipment reliability, plant modification and configuration control, the corrective action program, and engineering programs.

Prior to issuance of the CAL, NPPD had completed their corrective actions to restore compliance with the regulations and improve performance in the Emergency Preparedness Cornerstone. Since the issuance of the CAL, CNS completed the CAL commitment in the area of emergency preparedness to conduct a self-assessment of their emergency preparedness

program in the areas of event classification, notification, emergency response facility staff augmentation, dose assessment, and protective action recommendations. NRC has reviewed the results of the licensee's assessment and found it to be acceptable. NRC also has inspected the licensee's emergency preparedness program during baseline inspections, including a graded exercise, and during the conduct of six quarterly inspections of NPPD's progress in completing actions in their improvement plan. On the basis of the results of the quarterly inspections of the improvement plan actions addressed in the CAL, baseline inspections, and performance indicator results, NRC has concluded that CNS has corrected the specific deficiencies directly related to the emergency preparedness performance deficiencies. Accordingly, NRC has concluded that there is a sufficient basis for closing the White inspection findings identified at CNS in the Emergency Preparedness Cornerstone.

Based on the guidance in IMC 0305, the closure of these White findings would normally result in a level of regulatory oversight at CNS described in the Action Matrix for a plant in the Regulatory Response column of the Action Matrix.¹ However, the NRC has concluded that additional NRC oversight is warranted while NPPD completes the actions listed in the Action Matrix that were implemented as a result of CNS entering the Multiple/Repetitive Degraded Cornerstone column. Specifically, NPPD must demonstrate that the CAL actions have resulted in sustained improvement in plant performance. Accordingly, on May 3, 2004, the Executive Director for Operations approved a deviation from the Action Matrix to authorize the NRC to maintain the level of oversight of CNS consistent with the Multiple/Repetitive Degraded Cornerstone column of the Action Matrix. This increased oversight will continue until NPPD has demonstrated, and the NRC has verified, that the improvement plan actions addressed by the CAL have resulted in sustained improvement in plant performance.

NRC plans to continue oversight of the CNS performance improvement plan, assess CNS's implementation of the CAL, and have senior NRC management involvement in meetings, site visits, and correspondence. Once NPPD has completed the actions confirmed by the CAL and has demonstrated sustained improvement, there will be a sufficient basis for terminating this increased level of regulatory oversight, absent the identification of additional significant performance issues.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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/readingrm/adams.html> (the Public Electronic Reading Room).

¹CNS currently has a White finding in the Mitigating System Cornerstone. With the closure of the White findings in the Emergency Preparedness Cornerstone, the single White finding in the Mitigating Systems Cornerstone would place CNS in the Regulatory Response column of the Action Matrix.

Please contact Mr. Kriss Kennedy at 817/860-8144 with any questions you may have regarding this letter.

Sincerely,

/RA/ Mark A. Satorius for

Arthur T. Howell III, Director
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