

July 18, 2006

EA-06-162

Mr. T. Palmisano  
Site Vice President  
Prairie Island Nuclear Generating Plant  
Nuclear Management Company, LLC  
1717 Wakonade Drive East  
Welch, MN 55089

SUBJECT: PRAIRIE ISLAND NUCLEAR GENERATING PLANT  
INSPECTION REPORT 05000282/2006013; 05000306/2006013 AND  
INVESTIGATION REPORT NO. 3-2006-004

Dear Mr. Palmisano:

On June 29, 2006, the U. S. Nuclear Regulatory Commission (NRC) completed an inspection at the Prairie Island Nuclear Generating Plant (PINGP). The purpose of the inspection was to complete inspection activities concerning Unresolved Item (URI) 05000282/2005011-01; 05000306/2005011-01, "Use of Plant Simulator for Initial License Training." The URI involved the adequacy of the PINGP simulation facility (simulator) test documentation relative to the requirements of 10 CFR 55.46, "Simulation Facilities." This inspection also considered the results of an Office of Investigations (OI) investigation (Report No. 03-2006-004) issued in April 2006 associated with the URI. The enclosed report presents the results of this inspection.

Based upon the results of this inspection and the NRC OI investigation, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**.

In summary, an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information," was identified when on July 20, 2005, the licensee provided to the NRC an NRC Form 398, "Personal Qualification Statement–Licensee," for each of two initial operator licensed candidates, signed by the site vice president, affirming that all training and documentation was complete with respect to the initial operator licensing training program. However, the NRC later determined by inspection and interviews that not all simulator documentation had been completed and retained as required by 10 CFR 55.46.

The circumstances surrounding the apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and members of your staff at an exit meeting conducted by telephone on June 29, 2006. As a result, it may not be necessary to conduct a pre-decisional enforcement conference in order to enable the NRC to make an enforcement decision. Further, since your facility has not been the subject of escalated enforcement actions within the last two years, and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section VI.C.2 of

the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being implemented.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, or (2) request a pre-decisional enforcement conference. If a conference is held, it will be open for public observation. The NRC will also issue a press release to announce the conference. Please contact Hironori Peterson at (630) 829-9707 within 7 days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as, "Response to An Apparent Violation in Inspection Report No. 05000282/2006013; 05000306/2006013; EA-06-162," and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance was or will be achieved. Your response may reference or include previously docketed correspondence if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

Please be advised that the characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if you choose to provide one) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

**/RA by Anne T. Boland Acting For/**

Cynthia D. Pederson, Director  
Division of Reactor Safety

Docket Nos. 50-282; 50-306  
License Nos. DPR-42; DPR-60

Enclosure: Inspection Report 05000282/2006013;  
05000306/2006013  
w/Attachment: Supplemental Information

See Attached Distribution

cc w/encl: C. Anderson, Senior Vice President, Group Operations  
M. Sellman, Chief Executive Officer and Chief Nuclear Officer  
Regulatory Affairs Manager  
J. Rogoff, Vice President, Counsel & Secretary  
Nuclear Asset Manager  
State Liaison Officer, Minnesota Department of Health  
Tribal Council, Prairie Island Indian Community  
Administrator, Goodhue County Courthouse  
Commissioner, Minnesota Department  
of Commerce  
Manager, Environmental Protection Division  
Office of the Attorney General of Minnesota

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Cynthia D. Pederson, Director  
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Docket Nos. 50-282; 50-306  
License Nos. DPR-42; DPR-60

Enclosure: Inspection Report 05000282/2006013;  
05000306/2006013  
w/Attachment: Supplemental Information

See Attached Distribution

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U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Docket Nos: 50-282; 50-306  
License Nos: DPR-42; DPR-60

Report No: 05000282/2006013; 05000306/2006013

Licensee: Nuclear Management Company, LLC

Facility: Prairie Island Nuclear Generating Plant, Units 1 and 2

Location: Welch, Minnesota

Dates: October 10, 2005 through June 29, 2006

Inspector: C. Zoia, Operations Engineer

Approved by: H. Peterson, Chief  
Operations Branch  
Division of Reactor Safety

## SUMMARY OF FINDINGS

IR 05000282/2006013; 05000306/2006013; 10/7/2005 - 06/29/2006; Prairie Island Nuclear Generating Plant, Units 1 and 2; Licensed Operator Requalification.

This report covers on-site and in-office follow-up for an Unresolved Item (05000282/2005011-01; 05000306/2005011-01, "Use of Plant Simulator for Initial License Training)." The inspection was conducted by a Region III inspector. One apparent violation, was identified. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter (IMC) 0609, "Significance Determination Process" (SDP). Findings for which the SDP does not apply may be Green or be assigned a severity level after NRC management review. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG 1649, "Reactor Oversight Process," Revision 3, dated July 2000.

### A. Inspector Identified Finding

#### **Cornerstone: Mitigation Systems**

The inspector identified an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information." On July 20, 2005, the licensee provided inaccurate or incorrect information on two applications (NRC Form-398, "Personal Qualification Statement--Licensee,") for an initial license examination, signed by the site vice president, affirming that the candidates had completed the plant's initial license training program and all associated documentation was complete. However, certain critical simulator test results, required to meet the simulator certification per 10 CFR 55.46, "Simulation Facilities," were not being maintained when the NRC Form-398s were sent to the NRC. The simulator test results were necessary to properly establish the station's assertion that the simulator could be used for reactivity manipulations in lieu of actual plant reactivity manipulations that are required to be completed prior to receiving an NRC operating license. This issue was documented in the licensee's corrective action program as Corrective Action Program (CAP) 043655, "SA039989 Simulator Testing Issue for Attention."

The apparent violation was considered to be more than minor because two operating licenses were issued that would not have been issued had the NRC known that the required simulator testing was not adequately documented or maintained. Because this apparent violation affected the NRC's ability to perform its regulatory function, it was evaluated using the traditional enforcement process. There was no evidence that the inaccurate licensing information endangered plant operations; however, the information was material to the NRC because the information had regulatory significance and impacted a licensing decision for two individuals. (Section 40A5)

### B. Licensee Identified Findings

None

## REPORT DETAILS

### Summary of Plant Status

During this inspection period the plant operated at or near 100 percent power.

### **1. REACTOR SAFETY**

#### **Cornerstones: Mitigating Systems**

#### 4OA5 Other Activities

#### .1 Unresolved Item Follow Up - Conformance With Simulator Requirements

##### a. Inspection Scope

The inspector inspected issues documented in Unresolved Item (URI) 05000282/2005011-01; 05000306/2005011-01, "Use of Plant Simulator for Initial License Training," and the results of previous onsite inspection activity. The inspector reviewed licensee simulator testing and documentation and interviewed licensee personnel to evaluate licensee compliance with the requirements of 10 CFR 55.46, "Simulation Facilities." The inspector reviewed initial license applications (NRC Form 398, "Personal Qualification Statement--Licensee,") for two license examination candidates to determine if they met the requirements contained in 10 CFR 55.31(a), "How to Apply." The inspector reviewed 10 CFR 50.9, "Completeness and Accuracy of Information," to assess the facility's compliance with its requirements.

##### b. Findings

###### Introduction:

The inspector identified an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information," associated with the licensee's submittal of two NRC Form-398s, signed by the site vice president, affirming that two operator license applicants had completed the plant's initial license training program and all associated documentation was complete. Subsequent inspection established that certain critical simulator test results were not maintained at the time the applications were submitted by the site vice president. The simulator test results were necessary to establish the station's assertion that the simulator could be used for reactivity manipulations in lieu of actual plant reactivity manipulations. During the initial license training program, two license candidates were given credit for reactivity changes conducted in the simulator in January 2005 for the fifth required reactivity change on their individual NRC Form-398. Since the simulator test documentation was not retained, the licensee could not meet the requirements of 55.46 which required that documentation associated with the simulation facility shall be maintained for four years. Therefore, the two applicants could not use the reactivity manipulations performed on the simulator for fulfilling the training and eligibility requirements. The two applicants no longer met all requirements to



receive an NRC operating license. As a result, when their individual NRC Form-398 was submitted certifying they met all requirements, incorrect or inaccurate information was provided to the NRC by the facility licensee.

Description:

The NRC's requirements related to establishing criteria for licensing an operator, including the documentation and maintenance of the plant specific simulator, are contained in 10 CFR 55.31 and 10 CFR 55.46. Specifically, 10 CFR 55.31 states that each applicant must perform a minimum of five significant control manipulations affecting reactivity or power level. Completion of the reactivity manipulation requirement is documented on NRC Form 398, which is signed by the station's senior signature authority. The NRC relies on the information contained in the NRC Form 398 when making a decision to allow an applicant to sit for an initial license examination and to assure completion of all training items in the station's initial license training program prior issuing an operator license.

On October 5, 2005, during the routine Licensed Operator Requalification Inspection at Prairie Island Nuclear Generating Plant, the inspector identified three issues concerning potential violations of NRC regulations 10 CFR 55.46, 10 CFR 55.31, and 10 CFR 50.9. The first issue was whether testing, necessary to demonstrate that the licensee could take credit for reactivity manipulations, was performed on the simulator prior to the initial license examination in August 2005. The second issue was whether testing, completed on the simulator after the initial license examinations in August 2005, was adequate to meet the experience requirements of 10 CFR 55.31. The third issue was whether the testing, performed on the simulator in November 2004, demonstrated that the simulator was acceptable for use in requalification training. These issues were documented as URI 05000282/2005011-01; 05000306/2005011-01 for further review.

The inspector reviewed the second issue contained within the URI to determine if the testing performed after August 2005 was adequate such that simulator reactivity manipulations would satisfy the experience requirements of 10 CFR 55.31. A review of the simulator test package with a headquarters simulator specialist revealed that the core performance testing performed in October 2005 adequately tested the simulator models to assure compliance with the requirements specified in 10 CFR 55.31. The licensee's performance in this area was determined to be acceptable.

The inspector reviewed the third issue contained within the URI by reviewing simulator model testing conducted in November 2004 to verify the simulator was acceptable for requalification training. All necessary testing and documentation was located and retained. It was determined that the simulator modeling was acceptable for requalification training. The licensee's performance in this area was determined to be acceptable.

For the first issue, the inspector found that the licensee's simulator staff had performed simulator core model upgrades during calendar year 2004 so that the simulator's performance would match the current Unit 1, Cycle 23 core. In November 2004, Standard Simulator Fidelity Test 2.1.4, "Core Performance Testing," was performed on the simulator and documented. This test verified the simulator was acceptable for

requalification training after the core model upgrades. This performance test did not meet the more stringent testing and documentation requirements of 10 CFR 55.46 necessary to grant acceptance of simulator reactivity manipulations for operator licensing purposes. During that same time period, the licensee's simulator staff indicated that informal simulator testing, using the D-30 series plant test procedures to prepare for Just-in-Time requalification program training, was performed. However, the test results were apparently documented using laminated pages with a grease pencil or marker. According to the licensee, this test met the requirements of 10 CFR 55.46 and established the simulator's fidelity in replicating the plant. However, the test documentation that provided evidence that this test was performed was not adequately documented or maintained.

On July 29, 2005, the licensee issued CAP 043655 addressing the issue of lack of documentation of simulator testing for certifying reactivity manipulations on license applications. The licensee determined that the testing documentation was only missing and did not withdraw the two operator license applications. On or about September 15, 2005, the licensee confirmed that no testing documentation existed. On September 23, 2005, NRC initial operator licenses were issued for the two individuals whose applications contained inaccurate information.

On October 6, 2005, based on information provided by the licensee, the NRC inspector disclosed to the licensee the possible need to modify the operating licenses of the two individuals that took credit for reactivity changes in the plant-specific simulator. A review was conducted by the NRC to properly evaluate the immediate safety significance of these issues. Consideration was given to the number of reactivity manipulations that were conducted on the actual plant vice the simulator. The decision was made not to modify the licenses and to allow the two individuals to continue to use their licenses. However, as a result of the review the NRC requested additional information of the licensee in order to further evaluate the regulatory implications of these issues. The information gathered was used to analyze the licensee's actions in regard to these issues.

#### Analysis:

The inspector compared this issue against the guidance contained in Appendix B, "Issue Disposition Screening," of Manual Chapter (MC) 0612, "Power Reactor Inspection Reports." The inspector determined that the failure to maintain the simulator testing records was a failure to comply with the requirements of 10 CFR 55.46 and reactivity changes on the simulator could not be used to fulfill the experience requirements on the NRC Form-398. When the station submitted the signed NRC Form-398 for the two applicants using simulator experience, an apparent violation of 10 CFR 50.9 occurred. Because violations of 10 CFR 50.9 are considered to be violations that potentially impede or impact the NRC's regulatory process, they are dispositioned using the traditional enforcement process.

Using MC 0612, the inspector determined that the finding was more than minor because the inaccurate information was provided to the NRC signed under oath by the site vice-president. Had the NRC known the information was incorrect, it would have resulted in a reconsideration of an NRC regulatory position or a substantial request for information.

Specifically, the application for an NRC operating license for the two initial license candidates would have been denied. The apparent violation was determined to be of low safety significance because simulator testing performed after the licenses were issued indicated the simulator met the computer model requirements of 10 CFR 55.46.

Enforcement:

In accordance with 10 CFR 55.46(c), a facility licensee that proposes to use a plant-referenced simulator to meet the reactivity manipulation requirements in 10 CFR 55.31(a)(5) must ensure that the plant-referenced simulator uses models related to nuclear and thermal-hydraulic characteristics that replicate the most recent core load in the nuclear power reference plant. It must be demonstrated that simulator fidelity is such that significant control manipulations are completed without procedural exceptions or deviation from the approved training scenario sequence.

In accordance with 10 CFR 55.46(d) the facility licensee must conduct performance testing throughout the life of the simulation facility in a manner to ensure simulator fidelity has been demonstrated. The results of the performance tests must be retained for 4 years after the completion of each performance test or until superseded by updated test results.

In accordance with 10 CFR 55.31(a), an authorized representative of the facility licensee must certify by signature on Form NRC-398, that an applicant for a reactor operator or senior reactor operator license has completed the facility licensee's requirements to be licensed as a reactor operator or a senior reactor operator. The authorized representative must also certify that the applicant has successfully manipulated the controls of either the facility for which a license is sought or a plant-referenced simulator that meets the requirements of 10 CFR 55.46(c).

Finally, 10 CFR 50.9(a) requires, in part, that information provided to the Commission by an applicant for a license or by a licensee shall be complete and accurate in all material respects.

An apparent violation of 10 CFR 50.9 was identified when on July 20, 2005, the licensee provided inaccurate or incomplete information to the Commission on a signed NRC Form-398 for an individual applying for a reactor operator license and for an individual applying for a senior reactor operator license. The licensee certified that each applicant performed reactivity manipulations on the plant simulator on January 18, 2005, and that the simulator had a current core model that replicated the plant as verified by certification testing. Because the licensee failed to properly document and maintain the performance testing conducted on the simulator during November 2004, in accordance with 10 CFR 55.46(d), the licensee could not demonstrate simulator fidelity when the reactivity manipulations were performed. Therefore, the simulator reactivity manipulations could not be used for experience requirements and the applicants did not meet all requirements to receive an NRC operating license. Since the applicants could only count the four reactivity manipulations performed in the actual plant, the licensee incorrectly certified that the applicants met all of the requirements to be issued an NRC operating license and provided inaccurate information to the NRC on Form 398, "Personal Qualification Statement–Licensee." The certification on the NRC Form 398 is

material to the NRC because the NRC relies on this certification to determine whether the applicant meets the requirements to be issued a license to operate the controls of a nuclear power plant pursuant to 10 CFR Part 55. Unresolved Item 05000282/2005011-01; 05000306/2005011-01, "Use of Plant Simulator for Initial License Training," is considered resolved and this issue is identified as an Apparent Violation (AV) of 10 CFR 50.9. (AV 05000282/2006013-01; 05000306/2006013-01, "Failure to Provide Accurate Information to the NRC which Impacted a Licensing Decision")

The licensee took or planned to take the following corrective actions:

- The licensee adopted NMC Fleet Procedure FP-T-SAT-80, "Simulator Configuration Management," which required that simulator testing documentation be maintained;
- The licensee located and filed Transient Performance Test 2.2.9, "Maximum Unisolable Main Steam Line Break";
- The licensee performed core performance testing of the simulator after the licenses were issued that was later determined to be adequate; and
- The licensee planned to adopt NMC Fleet Procedure FP-T-SAT-81, "Simulator Testing and Documentation," in August 2006. The new procedure more specifically requires that simulator testing documentation is maintained. Procedure FP-T-SAT-80, "Simulator Configuration Management," will then be rewritten to focus on configuration control, conduct of work, review of deficiencies, and the operation of the Simulator Review Committee.

#### 4OA6 Meeting

##### Exit Meeting

The inspector presented the inspection results via telephone to Mr. T. Palmisano and other members of licensee management at the conclusion of the inspection on June 29, 2006. The licensee acknowledged the findings that were presented. The inspector confirmed with the licensee that if any proprietary information was reviewed, all such material had been returned to the licensee. No additional proprietary information was identified.

ATTACHMENT: SUPPLEMENTAL INFORMATION

## SUPPLEMENTAL INFORMATION

### KEY POINTS OF CONTACT

#### Nuclear Management Company, LLC

T. Palmisano, Site Vice President  
L. Bogue, NMC Fleet Vice President - Training  
J. Lash, Training Manager  
S. Northard, Nuclear Safety Assurance Manager  
T. Bacon, Operations Training General Supervisor  
W. Markham, Training General Supervisor - Operations  
W. Godes, Fleet Simulator General Supervisor  
M. Gardzinski, Principal Technical Instructor

#### Nuclear Regulatory Commission

J. Adams, Senior Resident Inspector  
D. Karjala, Resident Inspector  
L. Vick, Headquarters Staff  
A. Garmoe, Acting Resident Inspector

### LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

#### Opened

05000282/2006013-01; 05000306/2006013-01	AV	Failure to Provide Accurate Information to the NRC Which Impacted A Licensing Decision. (Section 40A5)
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#### Closed

05000282/2005011-01; 05000306/2005011-01	URI	Use of Plant Simulator for Initial License Training (Section 40A5)
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## LIST OF DOCUMENTS REVIEWED

The following is a list of documents reviewed during the inspection. Inclusion on this list does not imply that the NRC inspectors reviewed the documents in their entirety but rather that selected sections of portions of the documents were evaluated as part of the overall inspection effort. Inclusion of a document on this list does not imply NRC acceptance of the document or any part of it, unless this is stated in the body of the inspection report.

### 40A5 Other Activities

Summary of Reasons for N/A's on D30 Testing for 1R23 on PITC Simulator; dated October 31, 2005

Post Refueling Startup Testing D30; Revision 39; dated July 30, 2004

Post Refueling Startup Testing D30; Revision 41; dated October 1, 2005

Reactivity Computer Checkout D31; Revision 9; dated September 13, 2003

Temperature Coefficient Measurement at Hot Zero Power D32; Revision 10; dated October 22, 2001

Temperature Coefficient Measurement at Hot Zero Power D32; Revision 10; dated October 1, 2005

Rod Worth Measurement by Rod Swap/Dilution D33; dated October 1, 2005

CAP043655; SA039989 Simulator Testing Issue for Attention; dated July 29, 2005

CA011433; SA039989 Simulator Testing Issue for Attention; dated August 1, 2005

CA011434; SA039989 Simulator Testing Issue for Attention; dated August 1, 2005

One Reactor Operator Final Operator License Application; dated July 20, 2005

One Senior Reactor Operator Final Operator License Application; dated July 20, 2005

Prairie Island Responses to 71111.11; Appendix C Questions; received September 21, 2005

Letter to File - Simulator, Simulator Certification; dated October 1, 2005

Simulator Testing and Documentation, FP-T-SAT-81; Revision 0; undated

Simulator Configuration Management, FP-T-SAT-80; Revision 0; dated May 13, 2005

Condition Evaluation for CAP 01032901 NRC Information Request for Simulator Testing Corrective Actions to Prevent Recurrence; received May 31, 2006

Letter to Simulator Test File - Initial Condition Used for Initial Reactor Core Testing; dated February 5, 2006

Condition Evaluation: Prairie Island Simulator Significant Control Manipulations (with attachments); received October 17, 2005

Additional Information Associated with the Unresolved Item (URI) from the Licensed Operator Requalification Program Inspection Conducted at Prairie Island Nuclear Generating Plant (PINGP) the Week of October 3, 2005, L-PI-05-101; received October 28, 2005

PITC Annual Simulator Operability Test Procedure Transient Performance Test 2.1.4 Core Performance Testing; dated November 4, 2004

### **LIST OF ACRONYMS USED**

ADAMS	Agency Document Administrative Management System
ANSI/ANS	American Nuclear Standards Institute/American Nuclear Society
CAP	Corrective Action Program
CFR	Code of Federal Regulations
DRS	Division of Reactor Safety
IMC	Inspection Manual Chapter
LORT	Licensed Operator Requalification Training
NRC	Nuclear Regulatory Commission
PARS	Publicly Available Records
SDP	Significance Determination Process
URI	Unresolved Item