

January 11, 2008

Mr. Keith J. Polson  
Vice President Nine Mile Point  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION - NRC SUPPLEMENTAL INSPECTION  
REPORT 05000220/2007007

Dear Mr. Polson:

On December 4, 2007, the US Nuclear Regulatory Commission (NRC) completed a supplemental inspection pursuant to Inspection Procedure 95001 at your Nine Mile Point Nuclear Station (NMPNS), Unit 1. The issue inspected involved a White finding associated with the unintentional compromise of the 2005 and 2006 annual dynamic simulator requalification examinations. The enclosed report documents the inspection results, which were discussed with you, and other members of your staff, at the exit and regulatory performance meetings conducted on December 4, 2007. The NRC was informed of your readiness for the inspection on August 31, 2007.

Based on the results of this inspection, no findings of significance were identified. We have concluded that your root cause evaluation effectively identified the primary and contributing causes. In addition, the completed corrective actions appropriately addressed these causes. Given Constellation's acceptable performance in addressing the exam compromise issue, the White finding associated with this issue will only be considered in assessing plant performance through the fourth quarter of 2007, in accordance with the guidance in Inspection Manual Chapter 0305, "Operating Reactor Assessment Program."

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, and your response (if any) will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the 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/

Samuel L. Hansell, Chief  
Operations Branch  
Division of Reactor Safety

Mr. Keith J. Polson  
 Vice President Nine Mile Point  
 Nine Mile Point Nuclear Station, LLC  
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Sincerely,

Samuel L. Hansell, Chief  
 Operations Branch  
 Division of Reactor Safety

**SUNSI Review Complete:** RRM (Reviewer's Initials)

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| DATE   | 01/09/08      | 01/09/08     | 01/10/08    | 01/11/08       |  |  |

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Mr. K. Polson

2

Docket No.: 50-220

License No.: DPR-63

Enclosure: Inspection Report 05000220/2007007 w/Attachment: Supplemental Information

cc w/encl:

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3

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Enclosure

U. S. NUCLEAR REGULATORY COMMISSION REGION I  
REGION I

Docket No: 50-220

License Nos: DPR-63

Report Nos: 05000220/2007007

Licensee: Nine Mile Point Nuclear Station, LLC (NMPNS)

Facility: Nine Mile Point Nuclear Station, Unit 1

Location: Oswego, New York

Dates: November 5 though December 4, 2007

Inspectors: R. McKinley, Operations Engineer, Region I  
J. D'Antonio, Senior Operations Engineer, Region I

Approved by: Samuel L. Hansell, Chief  
Operations Branch  
Division of Reactor Safety

Enclosure

## SUMMARY OF FINDINGS

IR 05000220/2007007; 11/05/2007 - 12/04/2007; Nine Mile Point Nuclear Station (NMPNS), Unit 1; Supplemental Inspection Report.

This was an announced inspection conducted by two region-based inspectors. No findings of significance were identified. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process," Revision 4, dated December 2006.

### **Cornerstone: Mitigating Systems**

The NRC performed this supplemental inspection to assess Constellation's evaluation associated with the unintentional compromise of the 2005 and 2006 annual licensed operator requalification examinations. This performance issue was characterized as having low to moderate risk significance (White) in NRC Inspection Report No. 05000220/2006011.

During this 95001 supplemental inspection, the inspectors determined that Constellation performed a comprehensive evaluation of the exam compromise issue. Constellation's evaluation determined that the root cause for the issue was that policy guidance, management expectations, and job performance standards were not well defined or understood. The procedures and processes in place at the time did not provide adequate direction or establish clear performance standards, and the team was unable to compensate for these programmatic weaknesses. The root cause analysis also identified a contributing cause related to inadequate problem identification. No one outside the immediate exam team performed a comprehensive exam scenario set review; therefore, the problem was not detected during the examination review process. Once the inspectors identified the issue, Constellation implemented immediate corrective actions to invalidate the 2006 simulator operating exam. A new exam was developed and successfully administered within the biennial Licensed Operator Requalification (LOR) period. In addition, long term corrective actions related to exam developer training, procedure, and process improvements were implemented. The Constellation extent of condition corrective actions were also applied to Unit 2.

Based on the results of this inspection, the inspectors concluded that Constellation completed a comprehensive root cause evaluation of the exam compromise performance deficiency associated with this White finding. Additionally, the inspectors concluded that the completed corrective actions appropriately addressed the related causes. Given Constellation's acceptable performance in addressing the exam compromise issue, the White finding associated with this issue will only be considered in assessing plant performance through the fourth quarter of 2007, in accordance with the guidance in Inspection Manual Chapter 0305, "Operating Reactor Assessment Program."

## Report Details

### **01. INSPECTION SCOPE**

The U.S. Nuclear Regulatory Commission (NRC) performed this supplemental inspection to assess Constellation's evaluation associated with the compromise of the 2005 and 2006 annual licensed operator requalification examinations. This performance issue was characterized as having low to moderate risk significance (White), in NRC Inspection Report 05000220/2006011, and is related to the Mitigating Systems cornerstone in the reactor safety strategic performance area.

Specifically, the annual dynamic simulator exam integrity was unintentionally compromised at Unit 1 for calendar years 2005 and 2006, when the process used to select and validate the simulator exam scenarios resulted in the licensed operators being knowledgeable of a significant portion of the exam prior to its administration because of lack of simulator exam scenario diversity. The compromise of the 2005 Unit 1 simulator exam scenarios was considered more serious than the 2006 exam compromises and formed the basis for the White finding. The 2005 exam compromises were not detected or corrected by Constellation prior to returning licensed operators to normal watch-standing duties in 2005. The issue went undetected until it was identified by the NRC inspectors in 2006. Once the problem was identified in 2006, Constellation took remedial actions to retest all of the operators prior to the end of the 2006 exam cycle.

This report documents the findings of the 95001 supplemental inspection, which was conducted to review the exam compromise issue. The inspection scope included a review of the following: Category 1 root cause analysis report CR-NM-2006-4808, snapshot self-assessment report AI-NM-2007-4290-5, focused self-assessment reports FSA-2005-95 & FSA-2006-43, various condition reports (CRs), exam development program procedures, extent of condition determination, and adequacy of the corrective actions. The inspectors interviewed the root cause analysis team sponsor, snapshot self-assessment team leader, and several exam developers and licensed operators. The inspectors also observed operator performance in the plant simulator.

### **02. EVALUATION OF INSPECTION REQUIREMENTS**

#### **02.01 Problem Identification**

- a. Determination of who identified the issue and under what conditions

The NRC identified the issue while performing the biennial NMPNS Unit 1 Licensed Operator Requalification Training (LORT) Program inspection in accordance with Inspection Procedure 71111.11. During the week of October 16, 2006, inspectors identified NMPNS practices that collectively had the impact of compromising the dynamic simulator portion of the 2005 and 2006 requalification examinations. This was a violation of 10 CFR 55.49, "Integrity of examinations and tests." In particular, there was a lack of simulator exam scenario diversity and there was an overuse of the full core Anticipated

Transient Without Scram (ATWS) scenario. There was also a pattern of licensed operator crews validating simulator scenarios that were substantially similar to their own exam scenario sets.

b. Determination of how long the issue existed, and prior opportunities for identification

The inspectors concluded that the exam compromise issue began during the 2005 Unit 1 requalification examination and carried through into the Unit 1 and Unit 2 2006 requalification examinations. The issue did not exist in 2004 on either unit, nor did the issue exist on Unit 2 in 2005. Constellation independently drew the same conclusions as part of the Category 1 root cause analysis CR-NM-2006-4808, "Annual LOR Exam Compromise."

This simulator exam scenario integrity compromise finding could have been discovered and corrected by Constellation prior to NRC identification. Constellation could have discovered the problem in 2005 or at least prior to the NRC's identification for the following reasons: (1) a similar issue was described in 2002 industry operating experience involving a written exam compromise at Cooper Nuclear Station; (2) Constellation completed a focused self assessment audit in August 2006 that did not identify this issue; (3) the practices violated NRC guidance and requirements, as well as Constellation's procedural guidance that is intended to prevent an exam compromise.

c. Determination of the plant-specific risk consequences (as applicable) and compliance concerns associated with the issue

This finding was assessed using Inspection Manual Chapter 0609 Appendix I, "Operator Requalification Human Performance Significance Determination Process (SDP)" as a potentially safety significant finding that was determined to be White; i.e., a finding with some increased importance to safety, which may require additional NRC inspection. The issue had a low to moderate safety significance because Constellation did not recognize and correct an examination compromise of the 2005 Unit 1 simulator exam scenarios and a subsequent return to normal watch-standing duties by the licensed operators without adequate compensatory actions for the compromised examinations.

This finding was not an immediate safety concern for the following reasons: (1) there were no significant plant performance issues related to operator knowledge and abilities in 2005 and 2006; (2) all licensed operators had participated in a continuous requalification training program; (3) this issue was limited to the 2005 and 2006 exams and did not extend to the 2004 exams; (4) Constellation took immediate remedial actions by invalidating the simulator exam scenario portion of the 2006 annual operating exams and administering new and more comprehensive simulator exam scenarios to all licensed operators upon discovery of this concern by the NRC.

## 02.02 Root Cause and Extent of Condition Evaluation

- a. Evaluation of methods used to identify the root causes and contributing causes

Constellation's evaluation of this finding utilized the "Why Staircase" analysis method in accordance with Constellation Nuclear Generation Fleet Administrative Procedure CNG-CA-1.01-1004 Revision 0001, "Root Cause Analysis." The inspectors found the evaluation method used by Constellation to be acceptable.

- b. Level of detail of the root cause evaluation

Constellation appropriately classified this issue at the Category 1 significance level within the Constellation corrective action program. This classification required that a full root cause analysis be performed. The investigative team included four experienced personnel from the three Constellation operating nuclear sites. The team brought depth of experience as well as independence to the investigation.

As stated previously, Constellation employed the "Why Staircase" analysis method in order to identify the root and contributing causes. Constellation's evaluation determined that the root cause for the issue was that policy guidance, management expectations, and job performance standards were not well defined or understood. The procedures and processes in place at the time did not provide adequate direction or establish clear performance standards, and the examination team was unable to compensate for these programmatic weaknesses. The root cause analysis also identified a contributing cause related to inadequate problem identification. A rigorous review did not occur during the examination review process. Specifically, no one outside the immediate exam team performed a comprehensive simulator exam scenario set review.

The inspectors determined that the level of detail of the root cause evaluation and the associated corrective actions were comprehensive and consistent with the significance of the issue.

- c. Consideration of prior occurrences of the problem and knowledge of prior operating experience

The root cause evaluation team determined that this particular issue was unique in that there was no documented internal or external operating experience specifically related to operating exam compromise events caused by unintentional crew preconditioning. However, the root cause analysis (CR-NM-2006-4808) and self-assessment (AI-NM-2007-4290-5) did consider other exam compromise events such as the 2002 Cooper Nuclear Station written exam compromise (reference NRC enforcement action EA-01-298). The inspectors determined that Constellation appropriately used operating experience as part of the root cause analysis.

d. Consideration of potential common cause(s) and extent of condition of the problem

The root cause evaluation determined that the extent of condition was bounded by the 2005 and 2006 Unit 1 licensed operator requalification examinations. In addition, the extent of condition review determined that the 2006 Unit 2 licensed operator requalification examination was also affected.

The Initial License Training (ILT) program was not affected since the Licensed Operator Requalification (LOR) program and ILT programs are fundamentally different. For instance, a large number of operating exams are needed to test all operating crews during a requalification exam cycle, so this introduces the potential for excessive overlap as well as the potential for crews to validate exams that are similar to their own exam scenarios. Conversely, a smaller number of exam scenarios are required for an ILT class, and the license candidates do not validate the scenarios used in the ILT exam. In general, the ILT exam process is not subject to the same potential pitfalls that exist in the LOR program.

In addition, the Constellation root cause analysis team reviewed other training programs, such as the maintenance and technical training programs, to determine if similar issues could be present. The root cause team concluded that the LOR situation was unique and that other training programs are not similarly affected.

e. Consideration of safety culture components by the root cause evaluation, extent of condition, and extent of cause

The root cause report developed in conjunction with CR-NM-2006-4808 and the self-assessment report documented in AI-NM-2007-4290-5 thoroughly discussed the safety culture components related to the White finding. In particular, the finding had a cross-cutting aspect in the area of problem identification and resolution in that Constellation did not effectively collect, evaluate, and communicate applicable operating experience to affected internal stakeholders nor did they conduct self-assessments of sufficient depth to identify and avoid the exam compromise issue prior to identification by the NRC.

When the NRC originally identified the operating exam compromise issue, the inspectors noted that the NMPNS training staff was not aware of a previous finding related to a compromise of a written exam that occurred at Cooper Nuclear Station in 2002. The 2002 White finding at Cooper was related to operators being exposed to written requalification exam material when they validated the exams of other crews. The situations were different, but there were parallels between the NMPNS finding and the Cooper finding. The root cause team determined that the Cooper event was not disseminated through the normal industry operating experience (OE) databases since NRC inspection reports are not included in these databases. As a result, the Cooper event was not captured in the Constellation operating experience program. The root cause team performed a search for other related events in the NRC public record and identified one other item related to Licensed Operator Requalification (LOR) inspection program findings. This item was captured in CR-NM-2007-5553. Ultimately, the root

cause team concluded that the NMPNS operating experience program is fundamentally sound and that it is consistent with industry practices.

The root cause team found that the organizational self-assessments conducted in 2005 and 2006 on the Licensed Operator Requalification Program were designed to be performed at a high level and did not probe into the details of the examination content and simulator scenario validation practices. The root cause team also identified that the exam development processes and procedures in existence at the time of the event lacked sufficient detailed guidance regarding simulator scenario diversity requirements, validation practices, and independent review requirements. Corrective actions have been implemented to strengthen the exam development and review process. The inspectors concluded that these corrective actions should be sufficient to prevent the recurrence of this issue.

The inspectors observed a high degree of organizational as well as personal ownership and accountability from the point of issue discovery through this supplemental inspection. Once the issue was discovered, the NMPNS staff quickly mobilized to address the issue. These behaviors demonstrated a strong and healthy safety culture.

### 02.03 Corrective Actions

#### a. Appropriateness of corrective actions

The inspectors found that the corrective actions developed by the root cause team were both comprehensive and appropriate.

Immediate corrective actions were taken to invalidate both the Unit 1 and Unit 2 2006 dynamic simulator operating requalification examinations. New dynamic operating examinations were developed and administered prior to the end of the 2006 examination cycle. The inspectors observed the administration of the new examinations and found that there was a marked improvement in scenario diversity as well as in exam administration practices.

Long term corrective actions were also initiated to prevent recurrence of this issue. All of the long term corrective actions were complete at the time of this supplemental inspection. In particular, the inspectors confirmed that exam development procedures and writer's guide were revised to incorporate the lessons learned from this finding. Inspectors also verified that exam developer training documentation was updated for all exam developers.

The inspectors verified the effectiveness of Constellation's corrective actions by performing this supplemental inspection in conjunction with the 2007 NMPNS Unit 2 Licensed Operator Requalification Training Program (LORT) inspection, which was performed in accordance with Inspection Procedure 71111.11. Specifically, the inspectors reviewed the 2007 requalification dynamic simulator operating examination material to ensure that the quality of these exams met or exceeded the criteria established in the examination standards and 10 CFR 55.59. The Unit 1 and Unit 2

dynamic simulator scenario sample plans were reviewed. The inspectors determined that the sample plans exercised a broad range of mechanistic events, and the sample plans were systematically designed to avoid excessive overlap. In addition, the inspectors randomly selected a total of ten simulator scenarios from Constellation's sample plans and performed a detailed review of each scenario. All of the scenarios were of high quality and met all of the quantitative attributes specified in NUREG-1021, "Operator Licensing Examination Standards for Power Reactors." Furthermore, the scenario sets for each member of the staff crew and operations shift "C" were reviewed, and all of the scenario sets met the quantitative attributes specified in the examination standards.

Finally, the inspectors noted that Constellation went to great efforts to communicate the lessons learned from this finding to the rest of the industry.

b. Prioritization of corrective actions

The inspectors concluded that the corrective actions derived from the root cause report were prioritized properly. The short term corrective actions were effective in addressing the issue, and the long term corrective actions were completed and institutionalized prior to the 2007 requalification examination cycle such that the lessons learned were fully integrated into the Unit 1 and Unit 2 2007 examinations.

c. Establishment of a schedule for implementing and completing the corrective actions

All of the corrective actions were completed prior to this supplemental inspection.

d. Establishment of quantitative or qualitative measures of success for determining the effectiveness of the corrective actions to prevent recurrence

The inspectors determined that future internal Constellation self-assessments and audits in conjunction with the process improvements that were made as a result of the root cause analysis effort should be adequate to prevent recurrence. As previously stated, the results of the recent 2007 NRC LORT inspection provide an indicator that the corrective actions should continue to be effective to prevent recurrence of this issue.

### 03. MANAGEMENT MEETINGS

#### Exit Meeting Summary

On December 4, 2007, the inspectors presented the inspection results to Mr. Keith Polson, Vice President Nine Mile Point, and other members of the Constellation staff. Immediately following the exit meeting, a Regulatory Performance Meeting was conducted in accordance with NRC Inspection Manual Chapter 0305, "Operating Reactor Assessment Program," to address the closure of the White finding. No proprietary information was provided to the inspectors during this inspection.

**ATTACHMENT**

**SUPPLEMENTAL INFORMATION**

**KEY POINTS OF CONTACT**

Licensee Personnel

|                       |  |
|-----------------------|--|
| Keith Polson .....    | Vice President                         |
| Sam Belcher .....     | Plant General Manager                  |
| Terry Syrell .....    | Licensing Director                     |
| Thomas Shortell ..... | Training Manager                       |
| Bob Brown.....        | General Supervisor Operations Training |
| Richard Slade.....    | General Supervisor Operations          |
| Don Newman.....       | Supervisor Operations Requal           |
| Aaron Armstrong ..... | Requal Exam Developer                  |

NRC

Ray McKinley, Operations Engineer  
 Joseph D'Antonio, Senior Operations Engineer  
 Ed Knutsen, Senior Resident Inspector, Nine Mile Point  
 Marvin Sykes, Chief, Operations Branch, DRS

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

Opened

None

Closed

|                     |     |  |
|---------------------|-----|--|
| 05000220/2006011-01 | VIO | Failure to Ensure Integrity of Unit 1 Examinations and Tests |
|---------------------|-----|--|

**LIST OF DOCUMENTS REVIEWED**

AI-NM-2007-4290-5, "Annual LOR Exam Compromise Snapshot Self Assessment for NRC 95001 Inspection Readiness"  
 Category 1 Root Cause Analysis CR-NM-2006-4808, "Annual LOR Exam Compromise"  
 FSA-2005-95, "NMPNS Focused Self Assessment Report for the Licensed Operator Requalification Program and Simulator Health"  
 FSA-2006-43, "NMPNS Focused Self Assessment Report for the Licensed Operator Requalification Training Program"  
 FSA-2007-23, "NMPNS Focused Self Assessment Report for NRC Inspection 71111.11 Readiness"  
 Condition Report CR-NM-2007-5551, "Formalize Qualification Process for LOR Exam Writers"

Condition Report CR-NM-2007-5553, "Re-review of Items Found in IN 95-24"  
 NMP-TR-1.01-102, Rev. 0002, "Licensed Operator Requalification Training Program"  
 NMP-TR-1.01-22, Rev. 0001, "License Operator Requalification Exam Writers Guide"  
 NMP-TR-1.01-50, Rev. 0002, "Evaluation Phase Activities"  
 NMP-TR-1.01-60, Rev. 0002, "Simulator Operation and Testing"  
 NMP-1 & NMP-2 2007, Annual Exam Scenario Sample Plan  
 NMP-1 & NMP-2 2007, Biennial Exam Scenario Development & Implementation Plan  
 NMP-TR-1.01-22 Rev. 0, "Licensed Operator Requalification Exam Writer's Guide"  
 NMP-TR-1.01-702 Rev. 4, "Instructor Training Program"  
 NMP-1 & NMP-2 Instructor Training Job Qualification Matrices  
 Scenario 1102ERPANNC02 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-RP-02)"  
 Scenario 1102ERLANNC02 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-RL-02)"  
 Scenario 1102EATANNC01 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-AT-02)"  
 Scenario 2102EPCANNC02 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-PC-04)"  
 Scenario 2102EATANNC03 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-AT-06)"  
 Scenario 2102ERLANNC01 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-RL-01)"  
 Scenario 2102ERLANNC02 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-RL-02)"  
 Scenario 2102EATANNC01 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-AT-06)"  
 Scenario 2102ERLANNC05 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-RL-04)"  
 Scenario 2102EATANNC02 Rev. 0, "2007 Annual Operating Exam Scenario (DMS-AT-03)"  
 Scenario Sets for Unit 2 Staff Crew & Crew C

**LIST OF ACRONYMS**

|       |  |
|-------|--|
| CR    | Condition Report                                   |
| FSA   | Focused Area Self-Assessment                       |
| ILT   | Initial License Training                           |
| LOR   | Licensed Operator Requalification                  |
| LORT  | Licensed Operator Requalification Training Program |
| NMPNS | Nine Mile Point Nuclear Station                    |
| NRC   | Nuclear Regulatory Commission                      |
| OE    | Operating Experience                               |
| SDP   | Significance Determination Process                 |