

# MORGAN, LEWIS & BOCKIUS

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June 9, 1995

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-95-262  
Rec'd 6-12-95

Carlton Kammerer  
Director, Division of Freedom of  
Information & Publications Services  
U.S. Nuclear Regulatory Commission  
Office of Administration  
Mail Stop T6E4  
Washington, D.C. 20555

Re: Freedom of Information Act Request

Dear Mr. Kammerer:

Pursuant to 5 U.S.C. § 552(a)(3) and 10 CFR § 9.23(b), I request copies of any NRC documents to include, but not limited to, notes, meeting minutes, transcripts, recordings, summaries, electronic messages (E-mail), drafts, reports, and memoranda that contain factual information that formed the basis of, or relate to, the following reports or other documents regarding Nebraska Public Power District's ("NPPD") Cooper Nuclear Power Station (Docket No. 50-298):

- (1) NRC Systematic Assessment of Licensee Performance ("SALP") report issued to NPPD in June 1993 for the period January 19, 1992 to April 24, 1993;
- (2) Notice of Violation and Proposed Imposition of Civil Penalties, dated March 30, 1993, regarding licensee letter of December 1, 1992 to NRC that was inaccurate and incomplete in material respects;
- (3) Notice of Violation and Proposed Imposition of Civil Penalties, and Inspection Report No. 50-298/93-17, dated October 12, 1993;
- (4) NRC Operational Safety Team Inspection ("OSTI") Report No. 50-298/93-202, dated December 28, 1993;
- (5) Letter from NRC to NPPD, dated January 25, 1994, regarding declining trend in Cooper's performance;

MORGAN, LEWIS & BOCKIUS

Carlton Kammerer  
June 9, 1995  
Page 2

- (6) Confirmatory Action Letter ("CAL") issued to NPPD on May 27, 1994;
- (7) Confirmatory Action Letter issued to NPPD on June 16, 1994;
- (8) Letter from the NRC to NPPD, dated June 21, 1994, regarding declining trend in Cooper's performance;
- (9) Confirmatory Action Letter issued to NPPD on July 1, 1994;
- (10) Letter from the NRC to NPPD, dated July 29, 1994, formalizing plans to conduct a special evaluation of Cooper Nuclear Station;
- (11) Confirmatory Action Letter issued to NPPD on August 3, 1994;
- (12) NRC Inspection Report 50-298/94-14, dated September 2, 1994;
- (13) NRC Inspection Report 50-298/94-19, dated September 9, 1994;
- (14) NRC Inspection Report 50-298/94-16, dated September 12, 1994;
- (15) NRC Inspection Report 50-298/94-18, dated September 14, 1994;
- (16) Letter from the NRC to NPPD, dated November 29, 1994, and the Special Evaluation Team ("SET") report regarding interviews and inspections performed from May to September 1994;
- (17) Notice of Violation and Proposed Imposition of Civil Penalties, dated December 12, 1994; and
- (18) NRC letter to NPPD regarding declining trend in Cooper's performance, dated February 1, 1995.

In addition, please provide any documents that contain factual information that formed the basis of, or relate to, statements made to NPPD officials during discussions between NRC officials and NPPD on the following dates (a brief description of the discussions and persons believed to be involved are indicated in parentheses):

MORGAN, LEWIS & BOCKIUS

Carlton Kammerer  
June 9, 1995  
Page 3

- (1) February 18, 1994 (Ronald W. Watkins, NPPD President and CEO, and Leonard J. Callan, NRC Region IV Administrator);
- (2) June 23, 1994 (Guy R. Horn, NPPD Vice President nuclear, and Leonard J. Callan, NRC Region IV Administrator);
- (3) Week ending July 29, 1994 (NRC Headquarters meeting with NPPD attended by Region IV representatives, including Leonard J. Callan, NRC Region IV Administrator);
- (4) September 1, 1994 (Public meeting of NPPD Board of Directors attended by the Cooper Special Evaluation Team Manager);
- (5) November 8, 1994 (NRC public meeting held at the Cooper Nuclear Station to discuss NPPD's work to resolve issues necessary for restart of the Cooper plant);
- (6) November 17, 1994 (NRC public exit meeting at which SET results were presented by Ellis W. Merschhoff, NRC SET Manager, and the Executive Director For Operations, James M. Taylor);
- (7) Any enforcement conferences held between NPPD and the NRC between January 1, 1992 and February 21, 1995; and
- (8) All NRC restart panel meetings regarding Cooper.

Finally, I request any NRC documents that contain factual information relating to the following NPPD documents, or any versions of these documents:

- (1) The Cooper Nuclear Station Near Term Integrated Enhancement Program, dated May 20, 1994.
- (2) NPPD draft Business Plan dated May 21, 1994;
- (3) NPPD's internal Diagnostic Self-Assessment Team report dated September 1, 1994;
- (4) The Cooper Nuclear Station Startup Plan, Revision 1, dated September 15, 1994; and
- (5) Cooper Nuclear Station Performance Improvement Plan, Phase 1, Revision 2, dated October 6, 1994;

MORGAN, LEWIS & BOCKIUS

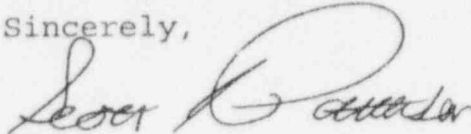
Carlton Kammerer  
June 9, 1995  
Page 4

- (6) Cooper Nuclear Station Performance Improvement Plan, Phase 2/3, Revision 1, dated December 9, 1994; and
- (7) Cooper Nuclear Station Startup and Power Ascension Plan, Revision 3, dated January 31, 1995.

To the extent that the requested information is included in documents or records that contain the advice, opinions or recommendations of NRC staff, please produce all factual information that can be reasonably segregated, in accordance with 10 CFR § 9.19(b).

I agree in advance to pay any fees associated with this request up to \$ 500.00. I request that you notify me if the fees will be more than \$ 500.00. I can be reached by telephone at (301) 457-7541. Thank you in advance for your assistance.

Sincerely,



Scott J. Patterson  
Legal Assistant

sjp