



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

April 01, 2024

EA-24-001

Khalil Dia, Site Vice President
Nebraska Public Power District
Cooper Nuclear Station
72676 648A Avenue
P.O. Box 98
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION – NOTICE OF VIOLATION, NRC INSPECTION
REPORT 05000298/2024090

Dear Khalil Dia,

This letter refers to the inspection conducted on October 4, 2023, with in-office inspection through December 18, 2023, at your Cooper Nuclear Station. The purpose of the inspection was to review the licensed operator requalification program and licensed operator performance. A final telephonic exit meeting was conducted with you and members of your staff on February 6, 2024. Details of the inspection and the apparent violation were provided to you in the U.S. Nuclear Regulatory Commission (NRC) Inspection Report 05000298/2023012 dated February 9, 2024, Agencywide Documents Access and Management System (ADAMS) Accession No. ML24026A221.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference, participating in alternative dispute resolution mediation, or by providing a written response before we made our final enforcement decision. In a letter dated March 8, 2024 (ML24071A028), you provided your response to the apparent violation.

Based on the information developed during the inspection and the information you provided in your March 8, 2024, written response to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violation are described in detail in NRC Inspection Report 05000298/2023012. The violation involved the failure to notify the NRC within 30 days of a permanent disability or illness of a licensed operator or senior operator as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 50.74(c).

The NRC considers the violation to be significant because the NRC did not have the opportunity to evaluate the medical condition of the licensed operators which impacted the NRC's ability to perform its regulatory function. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The current Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$180,000 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Corrective Action* credit is warranted for your prompt and comprehensive corrective actions. Your corrective actions to address the violation are documented in NRC Inspection Report 05000298/2023012 and in your letter dated March 8, 2024.

Therefore, in recognition of the absence of previous escalated enforcement action, and your prompt and comprehensive corrective actions, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 05000298/2023012 and in your letter dated March 8, 2024. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, the 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 in the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Dr. Heather Gepford of my staff at 817-200-1159.

Sincerely,



Signed by Monninger, John
on 04/01/24

John D. Monninger
Regional Administrator

Docket No. 05000298
License No. DPR-46

Enclosure: Notice of Violation

COOPER NUCLEAR STATION – NOTICE OF VIOLATION, NRC INSPECTION REPORT 05000298/2024090 – DATED APRIL 1, 2024

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ADAMS ACCESSION NUMBER: **ML24074A424**

SUNSI Review By: JGK		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword: NRC-002
OFFICE	SES:ACES	C:OB	C:PBC	TL:ACES	RC	OE
NAME	JKramer	HGepford	JJosey	JGroom	DCylkowski	GGulla
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DATE	03/20/24	03/27/24	03/21/24	03/21/24	03/25/24	03/28/24
OFFICE	NRR	D:DORS	RA			
NAME	RFelts	GMiller	JMonninger			
SIGNATURE	/RA/ E	/RA/ E	/RA/ E			
DATE	03/28/24	03/29/24	04/01/24			

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NOTICE OF VIOLATION

Nebraska Public Power District
Cooper Nuclear Station

Docket No. 05000298
License No. DPR-46
EA-24-001

During an NRC inspection conducted from October 4 to December 18, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.74(c) requires, in part, that each facility licensee shall notify the appropriate NRC Regional Administrator within 30 days of a permanent disability or illness as described in 10 CFR 55.25 of a licensed operator or senior operator.

10 CFR 55.25 requires, in part, that if during the term of the license, the licensee develops a permanent physical or mental condition that causes the licensee to fail to meet the requirements of 10 CFR 55.21, the facility licensee shall notify the Commission, within 30 days of learning of the diagnosis, in accordance with 10 CFR 50.74(c). For conditions for which a conditional license (as described in 10 CFR 55.33(b) of 10 CFR Part 55) is requested, the facility licensee shall provide medical certification on Form NRC 396, "Certification of Medical Examination by Facility Licensee."

Contrary to the above, the facility licensee failed to notify the Region IV Regional Administrator within 30 days of a permanent disability or illness as described in 10 CFR 55.25 of a licensed operator or senior operator as evidenced by the following two examples:

1. From January 2021 to May 22, 2023, the facility licensee failed to notify the Region IV Regional Administrator when learning of a reactor operator that was diagnosed with anxiety/depression in December 2020.
2. From December 15, 2021, to January 6, 2022, the facility licensee failed to notify the Region IV Regional Administrator when learning of a senior reactor operator that was diagnosed with high blood pressure on November 15, 2021.

This is a Severity Level III violation (NRC Enforcement Policy, Section 6.4.c.4.(c)).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 05000298/2023012 and in your letter dated March 8, 2024.

However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-24-001," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and a copy to the NRC Resident Inspector at the Cooper Nuclear Station and email it to R4Enforcement@nrc.gov.

Enclosure

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 1st day of April 2024