

November 19, 2003

Mr. Clay C. Warren
Vice President - Nuclear and Chief Nuclear Officer
Nebraska Public Power District
Cooper Nuclear Station
2 Miles South of Brownsville
Brownsville, NE 68321-0098

SUBJECT: ORDERS MODIFYING LICENSE FOR REVISED DESIGN BASIS THREAT AND
FOR TRAINING AND PHYSICAL FITNESS ENHANCEMENTS APPLICABLE
TO SECURITY FORCE PERSONNEL (TAC NOS. MB9279 AND MB9383)

Dear Mr. Warren:

On April 29, 2003, the U.S. Nuclear Regulatory Commission (NRC or the Commission) issued Orders modifying the operating license for Cooper Nuclear Station to: (1) require compliance with a revised design basis threat (DBT); (2) implement new security force personnel training and physical fitness requirements; and (3) prescribe compensatory measures related to fitness-for-duty enhancements applicable to security force personnel.

When it issued the Orders, the Commission recognized that you voluntarily and responsibly implemented additional security measures following the events of September 11, 2001. However, as part of the Commission's review of the security and safeguards program, the Commission determined that enhancements to the DBT, as currently specified in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 73.1(a), were required. The NRC further determined that security force personnel tactical and firearms proficiency, physical fitness, and fitness-for-duty requirements needed to be enhanced. The Commission also concluded that, based on the current threat environment, these Orders were to be effective immediately.

The Orders require responses and actions within specified time frames. This letter addresses your response to the Orders pertaining to the revised DBT and the new security force personnel training and physical fitness requirements. The Commission replied to your response to the fitness-for-duty Order in separate correspondence, dated July 10, 2003.

Section III.A.1 of the Order implementing new security force personnel training and physical fitness requirements states that licensees must comply with the new requirements described in the Order, except to the extent that more stringent requirements are set forth in the licensee's security plan and security training and qualifications plan. Section III.A.1 of the DBT Order requires licensees to submit revised physical security plans, safeguards contingency plans, and guard training and qualification plans, including an implementation schedule, based on the revised DBT, to the Commission for review and approval no later than April 29, 2004. The Order requires licensees to implement the revised physical security plans, revised safeguards contingency plans, and revised security force personnel training and qualification plans no later than October 29, 2004. Section IV of both Orders noted that, in accordance with

10 CFR 2.202, licensees must submit an answer to the Orders and may request a hearing on the Orders, within thirty-five (35) days of the date of the Orders and, where good cause is shown, consideration would be given to extend the time to request a hearing.

The Orders also required licensees to notify the Commission within thirty-five (35) days if: (1) the licensee was unable to comply with the requirements specified in the attachments to the Orders; (2) compliance with the requirements is unnecessary; (3) implementation of any of the requirements would result in a violation of the provisions of any Commission regulation of the facility license; or (4) implementation of any of the requirements described in the attachments to the Orders would adversely impact safe operation of the facility. Section III.C.1 of the security force personnel training and physical fitness Order required licensees to submit to the Commission, within thirty-five (35) days of the date of the Order, a schedule for achieving compliance with each requirement described in Attachment 2 to the Order.

By letters dated June 3, 2003, you submitted responses to the Orders for the Cooper Nuclear Station. In your responses, you indicated that you consented to the DBT and security force personnel training Orders and did not request a hearing. The NRC staff has reviewed your responses, and finds that you have satisfied the thirty-five (35) day reporting requirements for both Orders.

In your response to the DBT Order, you also requested that the NRC provide clarification of five DBT-related issues described in the safeguards attachment to a letter from Mr. Colvin, President and CEO of the Nuclear Energy Institute, to Chairman Diaz dated May 16, 2003. By letter dated September 25, 2003, the NRC provided you a copy of Chairman Diaz's response to Mr. Colvin, dated July 18, 2003, which clarified the five DBT-related issues.

Please contact Robert Fretz at 301-415-1324, if you have any other questions on these issues.

Sincerely,

/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

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OFFICE	PDI-2/LPM	PDI-2/LA	PDI-2/SC*	NSIR/DNS*	PDI/D*	DLPM/D
NAME	RFretz	CRaynor	JClifford	GTracy	CHolden	LMarsh
DATE	11/13/03	11/13/03	10/30/03	11/03/03	11/07/03	11/14/03

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Cooper Nuclear Station

cc:

Mr. William J. Fehrman
President and Chief Executive Officer
Nebraska Public Power District
1414 15th Street
Columbus, NE 68601

Mr. Thomas J. Palmisano
Site Vice President
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321

Mr. John R. McPhail, General Counsel
Nebraska Public Power District
P. O. Box 499
Columbus, NE 68602-0499

Mr. Paul V. Fleming, Licensing Manager
Nebraska Public Power District
P.O. Box 98
Brownville, NE 68321

Mr. Michael J. Linder, Director
Nebraska Department of Environmental
Quality
P. O. Box 98922
Lincoln, NE 68509-8922

Chairman
Nemaha County Board of Commissioners
Nemaha County Courthouse
1824 N Street
Auburn, NE 68305

Ms. Cheryl K. Rogers, Program Manager
Nebraska Health & Human Services System
Division of Public Health Assurance
Consumer Services Section
301 Centennial Mall, South
P. O. Box 95007
Lincoln, NE 68509-5007

Mr. Ronald A. Kucera, Director
of Intergovernmental Cooperation
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 218
Brownville, NE 68321

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Jerry Uhlmann, Director
State Emergency Management Agency
P. O. Box 116
Jefferson City, MO 65101

Chief, Radiation and Asbestos
Control Section
Kansas Department of Health
and Environment
Bureau of Air and Radiation
1000 SW Jackson
Suite 310
Topeka, KS 66612-1366

Mr. Daniel K. McGhee
Bureau of Radiological Health
Iowa Department of Public Health
401 SW 7th Street
Suite D
Des Moines, IA 50309

Mr. Scott Clardy, Director
Section for Environmental Public Health
P.O. Box 570
Jefferson City, MO 65102-0570

Mr. Clay C. Warren
Chief Nuclear Officer
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321