



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064**

May 16, 2002

EA-02-062

David L. Wilson, Vice President of  
Nuclear Energy  
Nebraska Public Power District  
P.O. Box 98  
Brownville, Nebraska 68321

**SUBJECT: COOPER NUCLEAR STATION - NRC INVESTIGATION REPORT 4-2001-040**

Dear Mr. Wilson:

This refers to an investigation conducted by the NRC's Office of Investigations at the Cooper Nuclear Station facility. The purpose of the investigation was to determine whether a shift supervisor deliberately violated Fitness-For-Duty (FFD) program requirements. The enclosed investigation report factual summary presents the results of this investigation.

Based on a review of testimony and documentary evidence that was developed during the investigation, it was determined that the shift supervisor willfully failed to follow FFD procedures.

Based on the results of this investigation, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy can be reviewed on the NRC's website at [www.nrc.gov/what-we-do/regulatory/enforcement.html](http://www.nrc.gov/what-we-do/regulatory/enforcement.html). The apparent violation occurred during the Spring 2000 refueling outage when the shift supervisor received credible information that the operations supervisor was noted to have a strong odor of alcohol on his breath. Contrary to the requirements of 10 CFR 26.20 and 26.24, and station procedures governing the implementation of your fitness-for-duty program, the supervisor apparently failed to take actions required to detain and isolate the operations supervisor and failed to initiate actions that would require the operations supervisor to undergo for-cause chemical substance testing. Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for these investigation findings at this time. In addition, please be advised that the characterization of the apparent violation described here may change as a result of further NRC review.

On May 9, 2002, the conclusions of the investigation and the NRC's intention to conduct a predecisional enforcement conference were discussed with you. The conference will take place at the NRC Region IV Office in Arlington, Texas. Please provide a range of acceptable dates for the predecisional enforcement conference within 10 working days of the date of this letter. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to assist the NRC in making an enforcement

decision. This may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. The conference will provide an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violation is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of 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/ DAP

Arthur T. Howell III, Director  
Division of Reactor Safety

Docket No. 50-298  
License No. DPR 46

Enclosure: (1) Investigation Report Factual Summary (Case 4-2001-040)  
(2) Predecisional Enforcement Conference Agenda

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**FACTUAL SUMMARY  
OFFICE OF INVESTIGATIONS REPORT 4-2001-040**

NRC's Office of Investigations (OI) opened this investigation in September 2001 to determine if a shift supervisor at Nebraska Public Power District's Cooper Nuclear Station deliberately violated fitness-for-duty requirements during the Spring 2000 refueling outage. At the time of the alleged violation, the shift supervisor was supervising the outage Work Control Center. The investigation focused on whether the shift supervisor deliberately failed to take required actions in response to a verbal report from two station operators of a strong smell of alcohol on the breath of an operations supervisor.

When interviewed by OI, the shift supervisor said he could not recall being informed of a strong smell of alcohol on the breath of an operations supervisor during the Spring 2000 refueling outage. However, he also said, "All I can say is that if [name deleted] told me it happened, I'm sure it happened because he's a very trustworthy individual and I can believe whatever he tells me."

The shift supervisor told OI he had no recollection of the incident, but that if he had been informed, he would have investigated the situation by approaching the subject of the allegation (i.e., the operations supervisor), provided feedback to the individual who informed him, and informed a specific supervisor. The individual who brought the allegation to the shift supervisor's attention said the shift supervisor gave him no feedback on this allegation. The specific supervisor whom the shift supervisor said he would have informed said the shift supervisor did not inform him of a suspected fitness-for-duty issue during the Spring 2000 refueling outage.

The investigation also determined that the shift supervisor had received training in NPPD's fitness-for-duty program on an annual basis. The training records indicated that his most recent training prior to the Spring 2000 refueling outage occurred on May 17, 1999.

The investigation determined that the shift supervisor willfully failed to follow NPPD's fitness-for-duty procedures in response to a verbal report from two station operators of a strong smell of alcohol on the breath of an operations supervisor.

**CLOSED PREDECISIONAL ENFORCEMENT CONFERENCE AGENDA**

Conference with Nebraska Public Power District  
Cooper Nuclear Station

Date TBD  
Arlington, Texas

1. INTRODUCTIONS & OPENING REMARKS - Elmo E. Collins, Acting Director, Division of Reactor Safety
2. ENFORCEMENT PROCESS - Gary F. Sanborn, Director, Allegation Coordination & Enforcement Staff
3. APPARENT VIOLATIONS & REGULATORY CONCERNS - Anthony T. Gody, Chief, Operations Branch
4. LICENSEE PRESENTATION - Cooper Nuclear Station, Representatives
5. INDIVIDUAL PRESENTATIONS - (as appropriate)
6. NRC CAUCUS (Approximately 15 minutes)
7. RESUMPTION OF CONFERENCE
8. CLOSING REMARKS - Cooper Nuclear Station, Representatives
9. CLOSING REMARKS - Elmo E. Collins, Acting Director, Division of Reactor Safety