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NLS2005053

June 8, 2005

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

Subject: Denial of Non-Cited Violation
Cooper Nuclear Station, Docket 50-298, DPR-46

Reference: Letter to Randall K. Edington (Nebraska Public Power District) From Michael C. Hay (Nuclear Regulatory Commission) dated April 29, 2005, "Cooper Nuclear Station - NRC Integrated Inspection Report 05000298/2005002"

The purpose of this letter is to inform the Nuclear Regulatory Commission (NRC) that the Nebraska Public Power District (NPPD) contests a green non-cited violation (NCV) of 10 CFR 50.54(q) as described in the referenced report. NPPD recognizes that the NRC has determined that one fire existed and, by virtue of that determination, a Notice of Unusual Event (NOUE) should have been declared. NPPD would like the opportunity to meet with the NRC to discuss the basis for the NCV, and understand the generic aspects and difference in positions at an agreed upon location, date, and time.

The primary basis for the denial is a function of having two fires and that each fire was identified and extinguished prior to the 10-minute threshold for declaring a NOUE. The attachment describes the events in more detail and also describes how the fires were managed. NPPD is concerned with the nature of the NCV in that the resulting performance of the fire brigade and control room staff related to management of the fires and emergency plan is what was expected for the conditions.

Should you have any questions concerning this matter, please contact Paul Fleming, Licensing Manager, at (402) 825-2774.

Sincerely,

Randall K. Edington

Randall K. Edington
Vice President - Nuclear and
Chief Nuclear Officer

IE01

/pf/jk

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Attachment

cc: Regional Administrator w/att.
USNRC - Region IV

Director, Office of Enforcement w/att.
USNRC

Senior Resident Inspector w/att.
USNRC

NPG Distribution w/att.

Records w/att.

As the inspection report indicates, Nebraska Public Power District (NPPD) treated the fires as two separate events (similar to a reflash), notwithstanding that one was the heat source for the other (physically separated by the wall of the container). This is because they were separately identified (both in terms of location and time), reported, and extinguished in accordance with established plant procedures.

The initial fire caused an alarm in the control room and an operator was dispatched to investigate. The operator reported to the control room that there was a fire in a trash bin and proceeded to immediately extinguish it. At this time the fire brigade was dispatched. Once extinguished, the operator reported to the control room that the fire was out. The Cooper Nuclear Station (CNS) Emergency Plan's Emergency Action Levels (EALs) were being reviewed and evaluated for implementation during the event. From the time the fire annunciator alarm sounded (02:49 by control room clock), which starts the clock for EAL purposes, to the time the initial fire was declared out (02:58), was a total of 9 minutes. During this time the control room staff was aware of the requirement to declare a Notice of Unusual Event (NOUE) had the fire exceeded 10 minutes. When the fire was reported as out to the control room, the "all-clear" was sounded, as provided for by plant procedures.

Also, as stated in the inspection report, the operator who had extinguished the trash bin fire and a radiation protection technician initiated overhaul activities in accordance with plant procedures after the fire was extinguished. This included evaluating an adjacent, large locked container (referred to as a CVAN). The CVAN had been scorched due to its location directly adjacent to the trash bin fire and was hot to the touch, however the wall of the CVAN had not burned through and was only scorched. By this time the fire brigade had assembled outside the immediate area and assumed responsibility for completion of the overhaul activities.

The CVAN lock was cut in order to access and investigate its contents. The initial opening of one of the CVAN doors revealed smoke but no apparent flames. The door was closed to enable the brigade to employ the necessary gear for continuing their investigation. The control room was notified that the fire was not out and since the "all-clear" had been sounded based on the trash bin fire being extinguished the control room subsequently actuated the fire alarm. The notification to the control room that the "fire is not out" did not mean that the first fire in the trash bin had not been extinguished, but simply that a second potential fire had been identified.

Due to the dense smoke observed, the fire brigade donned air packs and proceeded to the CVAN, prepared to perform additional overhaul and extinguish a fire if there was one. Both CVAN doors were then opened (which introduced air) and, once the smoke began to clear, a small flame was observed. The fire was immediately reported to the control room (03:08) and was quickly extinguished (at 03:13). A total of 5 minutes elapsed from the time the second fire was reported to the control room to the time the fire in the CVAN was extinguished and reported as such to the control room.

In addition to maintaining the safe operation of the plant, the control room staff was aware of the requirements to declare a NOUE, if the conditions warranted. Had the first fire not been extinguished within the 10 minute "limit," the control room would have declared a NOUE. Normal and expected response following extinguishment of a fire includes overhaul and examination for other potential fires, including reflashes (for which the posting of a fire watch for 30 minutes is required under plant procedures). This post-extinguishment process is prescribed by plant procedures and is, as well, an integral part of the required training for fire brigade members. Following established plant procedures, the second fire was discovered, reported to the control room, and quickly extinguished.

Correspondence Number: NLS2005053

The following table identifies those actions committed to by Nebraska Public Power District (NPPD) in this document. Any other actions discussed in the submittal represent intended or planned actions by NPPD. They are described for information only and are not regulatory commitments. Please notify the Licensing Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
None	