



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005**

August 29, 2005

EA-05-131

Randall K. Edington, Vice  
President-Nuclear and CNO  
Nebraska Public Power District  
P.O. Box 98  
Brownville, NE 68321

**SUBJECT: NEBRASKA PUBLIC POWER DISTRICT'S DENIAL  
OF NONCITED VIOLATION 05000298/2005002-02**

Dear Mr. Edington:

In a letter dated June 8, 2005, you informed the NRC that the Nebraska Public Power District (NPPD) was denying a violation identified during an NRC inspection conducted at Cooper Nuclear Station and documented in NRC Integrated Inspection Report 050000298/2005002 (NCV 05000298/2005002-02). The NRC determined that the violation involved the failure to implement the Cooper Nuclear Station emergency plan during a fire in the plant on March 14, 2005. Specifically, a fire in a trash bin, which spread to a large metal storage container, referred to as a CVAN, took longer than 10 minutes to extinguish. Contrary to the requirements of Cooper Nuclear Station's Emergency Plan Implementing Procedures, a Notification of Unusual Event was not declared by the shift manager despite the fact that the fire lasted for approximately 24 minutes. Following a review of the information provided in the June 8 letter and information provided by NPPD during a public meeting conducted on July 13, 2005, the NRC has decided to stay the original decision (that a violation of regulatory requirements did occur as described in the inspection report.) This inspection finding was determined to be a noncited violation with very low safety significance (Green). The following discussion provides the basis for the determination that the violation occurred as stated in the subject inspection report.

In your June 8 letter and at the July 13 meeting, NPPD provided the following information in support of its position that a violation of regulatory requirements did not occur:

- There were actually two separate fires on March 14, 2005, and each of these fires was extinguished within 10 minutes. 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). The fires were separately identified (both in terms of location and time), reported, and extinguished in accordance with established plant procedures. As a result, the criteria for declaring a Notification of Unusual Event were not met.

- The fire in the trash bin was extinguished in 9 minutes and therefore did not meet the criteria for declaring a Notification of Unusual Event.
- Once the trash bin fire was extinguished, fire extinguishment activities ended and investigation began.
- Personnel obtained bolt cutters and cut the lock off of the CVAN. The door was partially opened and heavy smoke was observed inside the van. The fire brigade then made preparations and reopened the door to the CVAN. The fire was extinguished within 5 minutes of first opening the door to the CVAN.
- The heat from the trash bin fire caused the paint on the inside CVAN surfaces to offgas, resulting in the heavy smoke observed by personnel when the door to the van was opened.
- Opening the door introduced sufficient oxygen into the container to cause a fire to ignite in the CVAN. This fire was separated by time and location and was extinguished by the fire brigade within 5 minutes.

NUREG 0654, "Criteria for Preparation and Evaluation of Radiological and Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," states that the rationale for the Notification of Unusual Event classification is to provide early and prompt notification of minor events which could lead to more serious consequences given operator error or equipment failure or which might be indicative of more serious conditions which are not yet fully realized. The NRC determined that the fire on March 14, 2005, which lasted approximately 24 minutes and was not fully extinguished in less than 10 minutes, warranted early and prompt notification and the declaration of a Notification of Unusual Event. The basis is as follows:

- The NRC concluded that the fire in the trash bin created sufficient heat to ignite the materials in the adjacent CVAN. As a result, the fire inside the van was a direct result of the fire in the trash bin. The separation between the fire in the trash bin and the fire in the van was created only by the metal side of the van. Although the fire in the van was discovered 10 minutes after the trash bin fire was extinguished, this delay in discovering the fire in the van was due solely to the fact that the personnel could not gain access to the van because it was locked and no one at the scene knew the combination. After the lock was cut and the doors opened the second time, the smoke in the van cleared enough to allow personnel to observe an active fire, albeit small, inside the van.
- The operator who discovered the trash bin fire took appropriate actions to extinguish the fire and made a report to the control room that the fire was out. In his written statement following the event, he stated that he was concerned about the CVAN because the side of the van was charred by the fire, but he could not gain access to the van because the door was locked. He reported his concerns to the incident commander. Once bolt cutters were brought to the scene and the lock was cut, the door to the van was partially opened and thick smoke was noted in the van and coming out of the van. The door was immediately shut. The fire brigade leader then reported to the control room that the fire

was not out; however, this report was never communicated to the shift manager who was responsible for implementing the Emergency Plan Implementing Procedures. Regardless, the fact remains that the fire brigade leader notified the control room that the fire was not out, but because of a break down in communications by control room personnel regarding that notification, an opportunity to declare a Notification of Unusual Event was missed. At the time of the fire brigade leader's notification to the control room, the duration of the fire was already greater than 10 minutes, which, by procedure, required a declaration of a Notification of Unusual Event.

- During the July 13 meeting, NPPD stated that personnel saw heavy smoke but did not see a flame inside the CVAN when the door was first opened. NPPD stated that the heavy smoke was due to offgassing of the paint on the inside surfaces of the CVAN. However, the door was only partially opened and for a short period of time. The smoke was so thick that it is uncertain that any flames that might have existed could have been seen. The door was closed, and the fire brigade donned self-contained breathing apparatus and charged the fire hose. When the door was reopened, the smoke cleared enough at the bottom of the CVAN that a small flame, 6-12 inches in size, was observed. The fire was then extinguished.
- Although the shift manager was not informed that the fire brigade leader had declared that the fire was not out, the NRC noted that a second opportunity to properly classify the event occurred at 3:15 a.m. following the extinguishing of flames in the CVAN. Specifically, control room logs indicated that, at this time, the shift manager contacted the Emergency Preparedness Manager and discussed the timeline and activities related to the fire. As of 3:15 a.m., the shift manager was sufficiently aware of the details associated with the event to determine that the fire lasted greater than 10 minutes.

In summary, we have determined that the information NPPD provided did not provide a sufficient basis for changing our assessment of the issue as documented in NRC Integrated Inspection Report 05000298/2005002. Corrective actions associated with this noncited violation may be reviewed by the NRC during future inspections of your problem identification and resolution program.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be 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).

Should you have any questions concerning this matter, please contact Mr. Wayne Walker at 817-276-6523.

Sincerely,

*/RA/*

Arthur T. Howell III, Director  
Division of Reactor Projects

Docket: 50-298

License: DPR-46

cc:

Michael T. Boyce, Nuclear Asset Manager  
Nebraska Public Power District  
1414 15th Street  
Columbus, NE 68601

John C. McClure, Vice President  
and General Counsel  
Nebraska Public Power District  
P.O. Box 499  
Columbus, NE 68602-0499

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

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

Sue Semerena, Section Administrator  
Nebraska Health & Human Services  
Dept. of Regulation & Licensing  
Division of Public Health Assurance  
301 Centennial Mall, South  
P.O. Box 95007  
Lincoln, NE 68509-5007

Mike Wells, Deputy Director  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65101

Director, Missouri State Emergency  
Management Agency  
P.O. Box 116  
Jefferson City, MO 65102-0116

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

Daniel K. McGhee  
Bureau of Radiological Health  
Iowa Department of Public Health  
Lucas State Office Building, 5th Floor  
321 East 12th Street  
Des Moines, IA 50319

Nebraska Public Power District

-5-

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

Jerry C. Roberts, Director of  
Nuclear Safety Assurance  
Nebraska Public Power District  
P.O. Box 98  
Brownville, NE 68321

Chief Technological Services Branch  
National Preparedness Division  
Department of Homeland Security  
Emergency Preparedness & Response  
Directorate  
FEMA Region VII  
2323 Grand Boulevard, Suite 900  
Kansas City, MO 64108-2670

Electronic distribution by RIV:  
 Regional Administrator (**BSM1**)  
 DRP Director (**ATH**)  
 DRS Director (**DDC**)  
 DRS Deputy Director (**KMK**)  
 Senior Resident Inspector (**SCS**)  
 Branch Chief, DRP/C (**WCW**)  
 Project Engineer, DRP/C (**RVA**)  
 Team Leader, DRP/TSS (**RLN1**)  
 RITS Coordinator (**KEG**)  
 DRS STA (**DAP**)  
 J. Dixon-Herrity, OEDO RIV Coordinator (**JLD**)  
**RidsNrrDipmlipb**  
 CNS Site Secretary (**SLN**)  
 W. Maier, RSLO (**WAM**)  
 G. Sanborn (**GFS**)  
 D. Starkey (**DRS**)  
**OEMAIL**

SISP Review Completed: \_\_wcw\_\_ ADAMS: : Yes     No    Initials: \_\_wcw\_\_  
 : Publicly Available     Non-Publicly Available     Sensitive    : Non-Sensitive

R:\ REACTORS\ CNS\2005\CN2005-02 Denial of Noncited Violation.wpd

RIV:C:DRP/C	C:DRS/EB2	C:DRS/OB	C:DRS/EB2
WCWalker;df	LJSmith	RELantz	KMKennedy
/RA/	/RA/	/RA/	/RA/
8/4/05	8/5/05	8/8/05	8/5/05
	OE	D:DRP	
GFSanborn	MRJohnson	ATHowell III	
/RA/	<b>E - from RDStarkey</b>	/RA/	
8/8/05	8/25/05	8/29/05	

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax