

FILE EA 2/46



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
Office of Public Affairs
Washington, D.C. 20555

No. 82-118
Tel. 301/492-7715

FOR IMMEDIATE RELEASE
(Monday, August 9, 1982)

**NRC STAFF PROPOSED TO FINE NEBRASKA PUBLIC
POWER DISTRICT \$300,000**

The Nuclear Regulatory Commission staff proposes to fine the Nebraska Public Power District \$300,000 for alleged violations of NRC regulations at the Cooper Nuclear Power Station south of Nebraska City.

The alleged violations involve failure by the licensee to complete by February 1, 1982, the installation and testing of a prompt public notification system for use in the event of an emergency, and alleged material false statements in regard to the installation and operability of the system.

The NRC staff action was taken following directions from the NRC Commissioners to issue a Notice of Violation and an Order proposing civil penalties against the licensee. In a statement issued today, the Commission also directed the staff to order the licensee to arrange for an independent audit and review of the licensee's corporate and site management organizations and functions, and to respond to the results of the audit. "The Commission views these violations as a very serious regulatory concern and intends that the licensee initiate prompt corrective action," the statement adds. The dissenting views of Commissioner Thomas Roberts are attached to the statement, which is available in the NRC Public Document Room, 1717 H Street, NW, Washington, D.C.

The NRC's regulations require that a prompt public notification system--to alert persons within about 10 miles of nuclear power plants to an emergency--be installed and operable by February 1, 1982. However, during a March 9, 1982, visit to the Cooper site, a representative of the NRC staff found one of 32 mobile siren units still in its carton. Two days later, on March 11, 1982, NRC inspectors found five additional mobile siren units still in their original cartons and one unit missing a component. The 32 mobile siren units previously had been identified by Nebraska Public Power District as an integral part of the prompt notification system.

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Additional investigation revealed that staff members of six area volunteer fire departments to which the mobile siren units had been distributed had not received training or instructions on how to operate the system. Further, the utility had not developed written procedures governing operation of the mobile siren system. The licensee then instituted compensating measures so that an interim system, acceptable to the NRC staff, was available after March 12, 1982. Each day, from March 1, 1982, to March 12, 1982, of failure to meet the prompt public notification system requirement constitutes a separate Severity Level III violation of NRC regulations and a fine of \$1,000 per day is proposed, or a total of \$12,000. Under the NRC's enforcement policy, alleged and actual violations of NRC requirements are classified on a scale that ranges from Severity Level 1 (most severe) to Severity Level V (minor significance).

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Eck.

The staff also alleges that on three separate occasions--during a telephone conversation in January 1982, in a letter dated February 8, 1982, and during an oral briefing on March 9, 1982--representatives of Nebraska Public Power District stated that the prompt notification system had been installed and was operable. However, on the dates the statements were made, the system was not installed and was not operable.

Therefore, the staff alleges that each of the three statements constitutes a material false statement as defined by the Atomic Energy Act of 1954, as amended. Each material false statement constitutes a Severity Level II violation and a fine of \$96,000 each, or \$288,000, is proposed.

Nebraska Public Power District is required to submit, within 30 days, a written statement admitting or denying the alleged violations and setting forth the corrective actions already taken or planned to avoid further violations. During the same time, the District also may pay the proposed fine or protest it in whole or in part. In addition, Richard C. DeYoung, Director of the NRC's Office of Inspection and Enforcement, has directed utility officials to meet with him within 30 days. Among other things, the District will be required to explain the cause of the lack of control over its licensed activities and to explain what steps have been or will be taken to assure that communications between the District and the NRC are complete and accurate.

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Docket No. 50-298
EA 82-46

Nebraska Public Power District
ATTN: D. W. Hill, General Manager
P.O. Box 499
Columbus, Nebraska 68601

Gentlemen:

On August 9, 1982 I issued an enforcement action with respect to the Cooper facility of the Nebraska Public Power District which directed within 30 days (1) a response to the Notice of Violation and Proposed Imposition of Civil Penalties, (2) submittal of a comprehensive plan of action as required by the Order Modifying License Effective Immediately, and (3) a presentation in my office as required by my August 9, 1982 letter. By letter dated August 19, 1982 you have requested an additional 30 days extension within which to respond to these actions.

The basis for this request is that additional time is needed to identify, assemble, and analyze the information required to prepare a response to the August 9, 1982 enforcement actions. The request is granted. The responses are now due on or before October 8, 1982. I have enclosed an Order extending the time for submittal of the plan required by Section IV of the Order Modifying License Effective Immediately and the time for requesting a hearing on that Order.

In regard to the presentation directed in my letter of August 9, 1982, it will be scheduled on or before October 8, 1982, at which time you will address the actions listed in the letter. Pending this presentation, I request that a member of your senior staff keep John Collins, Regional Administrator, informed of the status of your actions to comply with the August 9, 1982 Order.

Sincerely,

Original Signed By

R. C. DeYoung

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosure:
Order Extending Time to Reply to
Order Modifying License

IE:ES
JHenderson
8/ /82

ELM
JMurray
8/27/82

ERIC
RIV John
JCollins
8/27/82

ES:J
JLieberman
8/27/82

IE:DD
JSniezek
8/ /82

IE:R
RDeYoung
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF

Nebraska Public Power District
Cooper Nuclear Power Station

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Docket No. 50-298
License No. DPR-46
EA 82-46

ORDER EXTENDING TIME
TO REPLY TO ORDER MODIFYING LICENSE
EFFECTIVE IMMEDIATELY ISSUED AUGUST 9, 1982

I

The Nebraska Public Power District (the "licensee") is the holder of Facility Operating License No. DPR-46 (the "license") which authorizes the operation of the Cooper Nuclear Power Station (the "facility"). The facility consists of a boiling water reactor located at the licensee's site in Nemaha County, Nebraska.

II

On August 9, 1982, the Commission, by the Director of the Office of Inspection and Enforcement issued an Order Modifying License Effective Immediately (the "Order"). This Order required that the licensee submit by September 8, 1982, to the Administrator of Region IV of the Nuclear Regulatory Commission (NRC), for review and approval, a comprehensive plan of action that will yield an independent appraisal of current organizational responsibilities, management controls, staffing levels and competence, communications systems

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and practices both at and between the corporate office and the facility, with recommendations for changes in the aforementioned areas that would provide assurance that the licensee will implement NRC requirements.

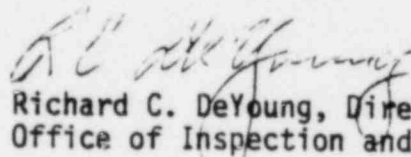
III

On August 19, 1982, the licensee requested a 30 day extension of time within which to respond to the Order. The reason given to justify this extension is that an extensive effort is required to identify, assemble and analyze all the information required to prepare the licensee's response to the Order.

IV

Accordingly, for good cause shown and pursuant to 10 CFR Part 2, IT IS HEREBY ORDERED THAT the time for submission of the plan required by Section IV of the Order and the time to request a hearing on the Order be extended to October 8, 1982.

FOR THE NUCLEAR REGULATORY COMMISSION


Richard C. DeYoung, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 24 day of August 1982

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Nebraska Public Power District

Distribution

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NSIC

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JCollins, RIV

FIngram, PA

JPMurray, ELD

JCummings, OIA

JCrooks, AEOD

Director, ES Staff

RI, RII, RIII, RIV, RV

JHenderson, IE

EA File

ES File

DCS

EDO Rdg File

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