

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)
NEBRASKA PUBLIC POWER DISTRICT) Docket No. 50-298
Cooper Nuclear Station) License No. DPR-46
EA 94-177

DEMAND FOR INFORMATION

I

Nebraska Public Power District (NPPD or Licensee) is the holder of Facility Operating License No. DPR-46, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on January 18, 1974. The license authorizes the operation of the Cooper Nuclear Station (CNS) in accordance with conditions specified therein. The facility is located on the Licensee's site near Brownville in Nemaha County, Nebraska.

II

On June 17, 1993, an investigation was initiated by the NRC's Office of Investigations (OI) to determine whether CNS Technical Specification (TS) 3.7.C.1.d had been deliberately violated on March 10, 1993, when, during the reactor pressure vessel (RPV) head disassembly, the RPV head and upper internals (dryer and separator) were moved over irradiated fuel without secondary containment integrity. Technical Specification 3.7.C.1.d requires, in part, that secondary containment integrity must be established if any loads which could potentially damage irradiated fuel are being moved in the secondary containment. The RPV head and upper internals are loads that have the potential to damage irradiated fuel if dropped.

The review and approval of proposed changes to normal, abnormal, and maintenance procedures are among the responsibilities of the Station Operations Review Committee (SORC), as defined in TS 6.2.1.4. Other SORC responsibilities include the review of changes which could affect safety and the review of operations to detect potential nuclear safety hazards.

The licensee had previously, in 1991, changed plant procedures and obtained a change to the Technical Specifications to preclude any damage to irradiated fuel that could result from dropping loads into an open RPV. The 1991 plant procedure changes included requiring the establishment of secondary containment as a necessary prerequisite to lifting the RPV head and the dryer and separator internals during the RPV disassembly portion of refueling operations. On March 9, 1993, the licensee deleted the procedure prerequisites added and approved by the SORC in 1991, without any analytical basis and moved the RPV head, dryer, and separator over the irradiated fuel in the RPV on March 10, 1993. This apparent violation of TS 3.7.C.1.d was identified by the NRC's Shutdown Risk and Outage Management Inspection Team. This inspection was conducted during the periods March 1 through March 5, and April 8 through April 16, 1993. On the basis of a review of the investigation, which was completed on August 3, 1994, it appears that: 1) the members of the SORC acted with careless disregard of NRC requirements as a result of their involvement in approving the 1993 changes to the RPV disassembly procedures to permit the movement of the RPV head, dryer, and separator without secondary containment integrity; 2) a violation of 10 CFR 50.9 occurred because the written justification for the changes to the RPV disassembly procedures was not accurate in all material respects; and 3) the

CNS Site Manager acted with careless disregard in taking action which resulted in a violation of TS 3.7.C.1.d on March 10, 1993.

With regard to the actions of the SORC, which, on March 9, 1993, consisted of the following voting and non-voting members: 1) Plant Manager; 2) Acting Senior Manager of Operations; 3) Senior Manager of Site Support; 4) Operations Manager; 5) Acting Maintenance Manager; 6) Radiological Manager; 7) Engineering Manager; 8) Technical Staff Manager; 9) Operations Engineering Supervisor; 10) Instrument and Controls Supervisor; and 11) Quality Assurance Manager, it appears that these SORC members acted with careless disregard on the basis of the following considerations:

1. Immediately upon learning that the RPV disassembly procedural prerequisite to establish secondary containment was preventing the removal of the RPV head, the Senior Manager of Site Support apparently was of the view that the RPV disassembly procedural requirements were wrong and should be deleted even though no analysis had been performed to support such a deletion.
2. The Engineering Manager, who also drafted and presented the proposed Procedure Change Notices (PCN) at the March 9, 1993, SORC meeting, apparently felt pressure, despite his level of experience at CNS, to initiate the PCNs because of outage scheduler considerations.
3. Two of the references that the Engineering Manager documented in the change request to provide technical justification (TS Amendments 147 and

150 -- actually provided to the SORC) for the removal of the RPV head, dryer, and separator without secondary containment integrity being established did not provide a basis for the desired revision to the vessel disassembly procedures. On the contrary, one of the references (TS Amendment 147) best supports the interpretation that maintaining secondary containment integrity was required while moving the subject loads. These references were apparently not read by the SORC reviewers.

4. The assistant engineering manager, who had been one of the primary authors of the 1991 procedure changes that had imposed the prerequisite for secondary containment prior to RPV disassembly, told the Engineering Manager, on March 9, 1993, with the Plant Manager present, that he did not agree with the procedure changes approved by the SORC because the movement of the RPV head, dryer, and separator without secondary containment integrity was prohibited by TS 3.7.C.1.d.
5. The forms associated with the PCNs stated that the PCNs represented a revision to the TS and the Engineering Manager had marked the PCNs as involving TS changes reflected in TS Amendments 147 and 150, but the SORC members apparently did not read the relevant portions of TS Amendments 147 and 150 that were represented as justifying the PCNs.
6. The SORC members may have allowed themselves to be inappropriately influenced by the presence of senior management at the SORC meeting and by the SORC members' knowledge of the impact of delay in proceeding with the outage work.

7. The SORC Chairman (the Plant Manager) approved the PCNs even though he was aware that the CNS staff was not successful in identifying and locating a letter from General Electric that purportedly supported the SORC's interpretation of TS 3.7.C.1.d. Without an evaluation of the potential for fuel damage from dropping the subject loads, it was not reasonable to have concluded that the subject loads did not have the potential to damage irradiated fuel.
8. The SORC approved the PCNs to the RPV disassembly procedures (Maintenance Procedures 7.4.4, 7.4.5, and 7.4.6) to delete the requirement to establish secondary containment integrity while moving the RPV head, dryer, and separator.
9. On March 10, 1993, during a refueling outage, the RPV head, dryer, and separator were moved over irradiated fuel without secondary containment integrity being maintained, in apparent violation of TS 3.7.C.1.d.
10. Some of the SORC members interviewed by the NRC subsequently told the NRC investigator, after reading copies of TS Amendments 147 and 150 provided by the investigator, that on the basis of the documented references (TS Amendments 147 and 150) which had been provided in support of the PCNs to the SORC on March 9, 1993, they should not have approved the PCNs or should have required analysis or research before approving them.

The SORC members who were responsible for performing a technical review of the justification for the PCNs apparently failed to identify, despite their level of knowledge of plant operations, previous involvement (some members) in implementing the secondary containment integrity requirements relative to the RPV disassembly procedures in 1991, and years of CNS work experience, that two of the references cited to justify the PCNs (TS Amendments 147 and 150) did not provide a basis for removing the procedural requirement to maintain secondary containment integrity while moving the RPV head, dryer, and separator.

10 CFR 50.9 requires, in part, that information required by license conditions to be maintained by the licensee shall be complete and accurate in all material respects. With regard to the inaccurate information documented in the PCNs, it appears that this constitutes a violation of 10 CFR 50.9 on the basis of the following considerations:

1. The PCNs are required to be maintained by license conditions. Specifically, TS 6.2.1.A.4.a requires, in part, that the SORC review all proposed changes to maintenance procedures. TS 6.4.1.E requires that records of changes to plant procedures be retained for at least 5 years.
2. The PCNs, dated March 9, 1993, that pertain to Maintenance Procedures 7.4.4, 7.4.5, and 7.4.6, stated that TS Amendments 147 and 150 removed the requirements to demonstrate secondary containment capability prior to the time the primary containment is opened for refueling.

3. Section 5 of these PCNs was annotated as involving a change to the TS, and TS Amendments 147 and 150 were listed as being applicable or related to the TS change.
4. TS Amendments 147 and 150 did not relax or remove any requirements relative to maintaining secondary containment integrity while moving loads in the secondary containment which could potentially damage irradiated fuel, which was the purpose of the proposed (1993) PCNs.
5. TS Amendment 147 added TS 3.7.C.1.d to require that secondary containment integrity be maintained while moving loads in the secondary containment which could potentially damage irradiated fuel.

With regard to the actions of the individual who held the position of CNS Site Manager in March 1993, on the basis of the considerations listed below, it appears that he may have acted with careless disregard in that, as a senior NPPD manager with extensive experience and knowledge of the 1991 changes and requirements for establishing secondary containment integrity who attended the March 9, 1993 SORC meeting, he should have ensured, but failed to ensure, that the SORC was correctly apprised of the impact of TS Amendments 147 and 150 and TS 3.7.C.1.d:

1. The CNS Site Manager, who was the SORC Chairman in 1991, had presided over the meeting that added the requirement to the vessel disassembly procedures to establish secondary containment integrity prior to moving the RPV head, dryer, and separator. Therefore, he knew or should have

known that TS Amendment 147 added the requirement to maintain secondary containment integrity while moving loads in the secondary containment which could potentially damage irradiated fuel.

2. Notwithstanding the CNS Site Manager's attendance at the March 9, 1993, SORC meeting at which the PCNs, including the annotations that the PCNs involved a change to the TS and that TS Amendments 147 and 150 were documented in Section 5 of the PCNs, were discussed, the CNS Site Manager told the NRC investigator that he did not observe the PCN notations about TS Amendments 147 and 150.
3. The CNS Site Manager was the most senior NPPD manager onsite in March 1993, and he had many years of operations experience at CNS. On the basis of his knowledge and experience, which included his direct involvement with TS Amendment 147, he should have, in his oversight role at the March 9, 1993, SORC meeting, ensured that the SORC members either reviewed or discussed the relationship among TS Amendment 147, TS Amendment 150, and TS 3.7.C.1.d.

This situation appears to demonstrate careless disregard by NPPD managers and supervisors for TS requirements and a lack of NPPD management control and supervision (i.e., the SORC) over licensed activities, and raises a question as to whether NPPD will in the future maintain complete and accurate information and comply with its TS and other regulatory requirements.

Therefore, further information is needed to determine whether the Commission should take enforcement action for violations of TS 3.7.C.1.d, 10 CFR 50.9 and the procedures implementing TS 6.2.1.A.4.a that govern the SORC and the procedure change process, and to determine whether the Commission can have reasonable assurance that in the future NPPD will: conduct SORC activities in a manner that assures plant safety and compliance with NRC requirements, including the CNS Technical Specifications; maintain complete and accurate records; and otherwise conduct its activities in accordance with the Commission's requirements. In addition, the Commission requires further information to determine whether the former CNS Site Manager and the members of the SORC should be permitted to continue to be involved in licensed activities at CNS.

III

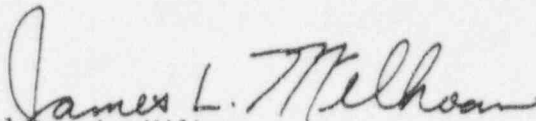
Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether NPPD's license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, including actions directed at the former CNS Site Manager and members of the SORC, the Licensee is required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 30 days of the date of this Demand for Information the following information, in writing and under oath or affirmation:

- A. A response to the findings identified in Section II of this Demand for Information, including:
1. An explanation of why the NRC should not take enforcement action for violations of 10 CFR 50.9 and TS 3.7.C.1.d, including enforcement action to modify NPPD's license to prohibit the former CNS Site Manager, and any CNS SORC member involved in causing violations of NRC requirements through careless disregard, from being involved in licensed activities at CNS; and
 2. An explanation of why the NRC should have confidence that the former Site Manager and the CNS SORC are capable of adequately performing their safety oversight responsibilities.
- B. Any other information that NPPD believes is relevant to the NRC's enforcement determinations in this matter.

The NRC requests that the Licensee provide this information in a form that can be placed in the NRC Public Document Room (e.g., the Licensee should highlight for redaction, names and other identifying information that it believes would clearly constitute an unwarranted invasion of personal privacy). The NRC will make the final decision as to whether any such information should be withheld from public disclosure. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

FOR THE NUCLEAR REGULATORY COMMISSION



James L. Milhoan
Deputy Executive Director
for Nuclear Reactor Regulation,
Regional Operations, and Research

Dated at Rockville, Maryland
this, 0th day of November 1994

Nebraska Public Power District

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