

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Nebraska Public Power District
Cooper Nuclear Station

Docket No. 50-298
License No. DPR-46
EA 84-132

During an NRC special inspection conducted on November 13-16, 1984, violations of NRC requirements were identified. These violations involved a failure to adequately demonstrate operability of the station 125 volt and 250 volt batteries for the last operating cycle and apparently resulted from technically inadequate technical specification surveillance procedures.

To emphasize the need for technically adequate technical specification surveillance procedures, the NRC proposes to impose a civil penalty for these violations. In accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C, as revised, 49 FR 8583 (March 8, 1984), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the violations and the associated civil penalty are set forth below:

1. Violations Assessed a Civil Penalty

- A. Cooper Nuclear Station Technical Specification Surveillance Procedure, Section 4.9.A.3.C, requires that once each operating cycle, unit batteries shall be subjected to a rated load discharge test. This is a surveillance test to demonstrate operability.

Contrary to the above, the rated load discharge tests conducted May 5-8, 1983 on 125-volt and 250-volt unit batteries were not adequate to demonstrate operability in that the tests were performed for the test duration of 8 hours at a discharge rate significantly less than the manufacturer's recommended rated load discharge rate for an 8-hour period.

- B. 10 CFR Part 50, Appendix B, Criterion XVII, requires that sufficient records shall be maintained to furnish evidence of activities affecting quality.

Contrary to the above, the licensee had no records of battery charging following the completion of battery discharge tests performed on 125-volt and 250-volt unit batteries in May 1983. As a result, the time and date the batteries were returned to an operable status after performing a discharge test cannot be determined.

- C. Cooper Nuclear Station Technical Specification Surveillance Procedure, Section 4.9.A.3.b, requires that measurements shall be made every 3 months of the voltage and specific gravity of each battery cell, and of the temperature of every sixth cell. This is a surveillance test to demonstrate operability.

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Contrary to the above, the licensee did not make adequate measurements of the specific gravity of each battery cell after January 20, 1982 until the time of the special inspection on November 13-16, 1984 in that, in measuring the specific gravity of 125-volt and 250-volt unit batteries; the licensee failed to correct specific gravity measurements for electrolyte temperature and level as required by the manufacturer's instructions and IEEE 450 (1975). Thus, the recorded measured values of battery cell specific gravities do not show whether the batteries required charging and the operable status of the batteries was not demonstrated.

- D. Technical Specification 6.3.2.A requires that there be written procedures for the normal startup operation or shutdown of all systems affecting nuclear safety.

Contrary to the above, as of November 13, 1984, the licensee had no written procedure for conducting charges of the unit batteries.

The above violations have been evaluated in the aggregate as a Severity Level III problem (Supplement I).

(Cumulative Civil Penalty - \$25,000 assessed equally among the violations.)

Pursuant to the provisions of 10 CFR 2.201, the Nebraska Public Power District is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, within 30 days of the date of this Notice, a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement may issue an order to show cause why the license should not be modified, suspended, or revoked or why such other actions as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

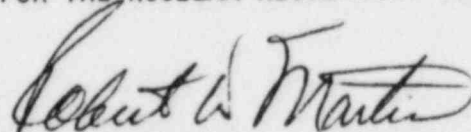
Within the same time as provided for the response required above under 10 CFR 2.201, Nebraska Public Power District may pay the civil penalty in the amount of Twenty-five Thousand Dollars (\$25,000) or may protest imposition of the civil penalty in whole or part by a written answer. Should Nebraska Public Power District fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an Order imposing the civil penalty in the amount proposed above. Should Nebraska Public Power District elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violations listed in this Notice in

whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors contained in Section V.B of 10 CFR Part 2, Appendix C, 49 FR 8583 (March 8, 1984) should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. The Nebraska Public Power District's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalties due, which have been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert D. Martin
Regional Administrator, Region IV

Dated at Arlington, Texas
this 13 day of February 1985