

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Nebraska Public Power District
Cooper Nuclear Station

Docket No. 50-298
License No. DRP-46
EAs 96-062, 96-094

During NRC inspections conducted from February 5 through February 22, 1996, and from February 26 through March 1, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violation Assessed a Civil Penalty

10 CFR 50.59(a)(1) states, in part, that a licensee may make changes in the facility as described in the safety analysis report without prior Commission approval unless the change involves a change in the technical specifications incorporated in the license or an unreviewed safety question. 10 CFR 50.59(b)(1) states in part that the licensee shall maintain records of changes in the facility, to the extent that these changes constitute changes in the facility as described in the safety analysis report, and that these records must include a written safety evaluation which provides the basis for the determination that the change did not involve an unreviewed safety question.

The Updated Safety Analysis Report (USAR) for Cooper Nuclear Station, Section 12.1, and the June 8, 1973, supplement to USAR Amendment 25 state that the steam tunnel blowout panel sections will operate to relieve pressure in the steam tunnel in the event of a main steam line break. The associated safety analysis described in the supplement to Amendment 25 indicates that the steam tunnel door and blowout panels operate to ensure steam tunnel pressure remains below the design and licensed safety analysis limit of 15 psi.

Contrary to the above, between July 1985 and November 1995, the facility was not operated as described in the USAR and a written safety evaluation of the change from the USAR had not been performed to determine whether this change involved an unreviewed safety question. Specifically, the licensee made a change to the facility when fiberglass was applied to the steam tunnel blowout panels in July 1985. In November 1995, the licensee determined that the change had significantly altered the material characteristics of the blowout panels such that, in the event of a steam line break inside the steam tunnel, the peak steam tunnel pressure would have been greater than the analyzed limit of 15 psi, and therefore that the change had resulted in an unreviewed safety question. (01013)

This is a Severity Level III violation (Supplement I).
Civil Penalty - \$50,000.

II. Violations Not Assessed a Civil Penalty

- A. Title 10 of CFR 50, Appendix R, Section III.G.1., requires that fire protection features be provided for structures, systems, and components important to safe shutdown. These features shall be capable of limiting fire damage so that one train of systems necessary to achieve and maintain hot shutdown conditions from either the control room or emergency control station is free of fire damage.

Contrary to the above, from approximately January 3 to November 25, 1995, fire protection features capable of limiting fire damage so that one train of the systems necessary to achieve and maintain hot shutdown conditions from either the control room or emergency control station would be free of fire damage, were not provided. Specifically, control power circuitry for Diesel Generator 2 (the protected safe shutdown train power supply) was not protected from the effects of a postulated control room fire. A fire in the control room could have rendered the diesel generator unable to perform its safe shutdown function and hot shutdown conditions could not have been maintained. (02013)

This is a Severity Level III violation (Supplement I).

- B. 10 CFR Part 50, Appendix B, Criterion III, requires, in part, that measures shall be established to assure that applicable regulatory requirements and the design basis as defined in 10 CFR 50.2 are correctly translated into specifications, drawings, procedures, and instructions. In addition, design changes shall be subject to design control measures commensurate with those applied to the original design.

The diesel generator system is required by the Updated Safety Analysis Report (USAR), Section VIII-5.1, to provide alternating current power to shut down the reactor following abnormal operational transients and postulated accidents. USAR Sections I-5.1.5 and 5.1.6 require that the design of the system must include allowances for environmental phenomena, such as tornados and seismic events. The diesel generator muffler bypass subsystem design provides the analyzed exhaust path under seismic and tornado conditions, since the muffler and associated piping are not analyzed for these conditions.

Contrary to the above, as discussed in NRC Inspection Report 50-298/96-04, during the November 1995 refueling outage, design control measures were inadequate in that an unauthorized modification was made to the Diesel Generators 1 and 2 muffler bypass systems, resulting in the muffler bypass system for Diesel Generator 2 being inoperable from December 27, 1995 to January 15, 1996. (03014)

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, the Nebraska Public Power District (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that 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, an order or a Demand for Information may be issued as why the license should not be modified, suspended, or revoked or why such other action 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, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and 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 factors addressed in Section VI.B.2 of the Enforcement Policy 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 parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee 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 penalty due which subsequently has been 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. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, ATTN: Enforcement Officer, U.S. Nuclear Regulatory Commission, Region IV.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Arlington, Texas,
this 17th day of April 1996