

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Nebraska Public Power District (EA 97-017)
(Cooper Nuclear Station)
Docket No. 50-298

Subject: NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that a Notice of Violation and Exercise of Enforcement Discretion will be issued on or about June 25, 1997, to the Nebraska Public Power District. The action is based on a Severity Level III problem involving programmatic concerns with the licensee's failure to perform adequate safety evaluations and failure to maintain the accuracy of the Updated Final Safety Analysis Report (UFSAR) as required by 10 CFR 50.59 and 10 CFR 50.71(e) respectively. Individually, none of the examples identified during the November 1996 inspection represented a significant regulatory concern with the licensee's ability to maintain the design and licensing basis of the facility.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$55,000 is considered for a Severity Level III problem. The NRC has decided to exercise enforcement discretion in accordance with Section VII.B.(6) of the Enforcement Policy and not propose a civil penalty in this case. The staff concluded that discretion is appropriate in this case in that: (1) the individual issues were of generally low safety significance; (2) the licensee's corrective actions; both taken and proposed, are comprehensive; (3) the inspections were occurring at the same time the NRC's Enforcement Policy was revised to place additional emphasis on UFSAR accuracy problems; and (4) the staff recognizes that licensee communications with the NRC may have inadvertently contributed to the licensee delaying development and implementation of its proposed program to update the UFSAR.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice June 25, 1997
Telephone Notification of Licensee June 25, 1997

The State of Nebraska will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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