



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

JUN 23 1998

EA 98-346

G. R. Horn, Senior Vice President
of Energy Supply
Nebraska Public Power District
1414 15th Street
Columbus, Nebraska 68601

SUBJECT: NRC INSPECTION REPORT 50-298/98-03, NOTICE OF VIOLATION, AND
NOTICE OF ENFORCEMENT DISCRETION

Dear Mr. Horn:

From April 19 through May 30, 1998, an inspection was conducted at your Cooper Nuclear Station reactor facility. The enclosed report presents the scope and results of that inspection.

During this inspection, a violation of NRC requirements was identified. This violation involved a failure to report an inoperable radiation monitoring instrument required by Technical Specifications.

The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding the violations are described in detail in the enclosed report. Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Also included in this report is closeout of an unresolved item involving a potential violation of 10 CFR 70.24, Criticality Accident Requirements. We have determined that your facility was in violation of this regulation in that you did not have in place either a criticality monitoring system for storage and handling of new (nonirradiated) fuel or an NRC approved exemption to the regulation; however, numerous other facilities have similar circumstances. The NRC has reconsidered this violation and concluded, based on the information discussed in the report, that, although a violation did exist, it is appropriate to exercise enforcement discretion for violations involving special circumstances in accordance with Section VII B.6 of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The bases for exercising this discretion are the lack of safety significance of this failure in meeting 10 CFR 70.24, the failure of the NRC staff to recognize the need for an exemption during the licensing process, the prior NRC position concerning the lack of a need for an exemption, and, finally, the NRC's intention to amend 10 CFR 70.24 through rulemaking to provide for administrative controls in lieu of criticality monitors.

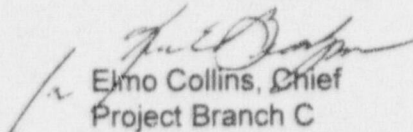
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Therefore, I have been authorized, after consultation with the Director, Office of Enforcement, to exercise enforcement discretion and not issue a violation for this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR).

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,


Elmo Collins, Chief
Project Branch C
Division of Reactor Projects

Docket No.: 50-298
License No.: DPR-46

Enclosures:

1. Notice of Violation
2. NRC Inspection Report
50-298/98-03

cc w/enclosures:

John R. McPhail, General Counsel
Nebraska Public Power District
P.O. Box 499
Columbus, Nebraska 68602-0499

J. H. Swailes, Vice President of
Nuclear Energy
Nebraska Public Power District
P.O. Box 98
Brownville, Nebraska 68321

B. L. Houston, Nuclear Licensing
and Safety Manager
Nebraska Public Power District
P.O. Box 98
Brownville, Nebraska 68321

Dr. William D. Leech
MidAmerican Energy
907 Walnut Street
P.O. Box 657
Des Moines, Iowa 50303-0657

Mr. Ron Stoddard
Lincoln Electric System
11th and O Streets
Lincoln, Nebraska 68508

Randolph Wood, Director
Nebraska Department of Environmental
Quality
P.O. Box 98922
Lincoln, Nebraska 68509-8922

Chairman
Nemaha County Board of Commissioners
Nemaha County Courthouse
1824 N Street
Auburn, Nebraska 68305

Cheryl Rogers, LLRW Program Manager
Environmental Protection Section
Nebraska Department of Health
301 Centennial Mall, South
P.O. Box 5007
Lincoln, Nebraska 68509-5007

R. A. Kucera, Department Director
of Intergovernmental Cooperation
Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Kansas Radiation Control Program Director

JUN 23 1998

E-Mail report to T. Frye (TJF)
 E-mail report to D. Lange (DJL)
 E-Mail report to NRR Event Tracking System (IPAS)
 E-Mail report to Document Control Desk (DOCDESK)
 E-Mail report to Richard Correia (RPC)
 E-Mail report to Frank Talbot (FXT)

bcc to DCD (IE14)

bcc distrib. by RIV:

Regional Administrator

Resident Inspector

DRP Director

DRS-PSB

Branch Chief (DRP/C)

MIS System

Branch Chief (DRP/TSS)

RIV File

Project Engineer (DRP/C)

G. F. Sanborn, EO

W. L. Brown, RC

J. Lieberman, OE, MS: 7-H5

OE:EA File, MS: 7-H5

DOCUMENT NAME: R:_CNS\CN803RP.MHM

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

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CESkinner	<i>[Signature]</i>	MHMiller	<i>[Signature]</i>	BMurray	<i>[Signature]</i>	EECollins	<i>[Signature]</i>		
6/23/98		6/23/98		6/23/98		6/23/98			

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JUN 23 1998

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bcc to DCD (IE14) *Leo*

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