

ENCLOSURE 1

NOTICE OF VIOLATION

Nebraska Public Power District
Cooper Nuclear Station

Docket: 50-298
License: DPR-46

During an NRC inspection conducted on September 8 through October 19, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

- A. 10 CFR 50.65, "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," as described in 10 CFR 50.65(a)(2) states, in part, that monitoring under (a)(1) is not required where it has been demonstrated that the performance or condition of a structure, system, or component has been effectively controlled through the performance of appropriate preventive maintenance of the structure, system, or component, and that the structure, system, or component remains capable of performing its intended function.

Regulatory Guide 1.160, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," Revision 1, January 1995, endorses NUMARC 93-01, "Industry Guidelines for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," as an acceptable method for implementing the requirements of 10 CFR 50.65. Regulatory Guide 1.160 states that the methods described in the guide will be used in the evaluation of the effectiveness of maintenance activities by licensees who are required to comply with 10 CFR 50.65 unless a licensee has proposed an acceptable alternative method for compliance. The licensee subscribed to the NUMARC 93-01 methodology in Administrative Procedure 0.27, "Maintenance Rule Program," Revision 1, Section 2.2, which stated, in part, this procedure provides guideline methodology to ensure compliance with 10 CFR 50.65 criteria by incorporating NUMARC 93-01.

NUMARC 93-01, Section 9.3.2, states, in part, that performance criteria for risk significant structures, systems, and components should be established to assure reliability and availability assumptions used in the plant-specific probabilistic risk assessment, individual plant examination, or other risk determining analysis are maintained or adjusted when necessary.

Procedure 0.27, Step 4.11, states, in part, that the Operations department is responsible for recognizing the impact on the Maintenance Rule Program with regard to risk significance and unavailability when taking equipment out of service, recording out-of-service time, and recording return-to-service time.

Contrary to the above:

On October 2, 1996, while performing Surveillance Procedure 6.1ADS.303, "ADS Logic Functional Test (Div 1)," Revision 1, the control room crew placed both

Trains A and B of the automatic depressurization system in the inhibit positions but recorded only Train A out-of-service and return-to-service times for unavailability evaluation with respect to the Maintenance Rule.

This is a Severity Level IV violation (Supplement 1)(298/96023-01).

Pursuant to the provisions of 10 CFR 2.201, Nebraska Public Power District is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because the 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 it is necessary to include such information, it should clearly indicate the specific information that should not be placed in the PDR, and provide the legal basis to support the request for withholding the information from the public.

Dated at Arlington, Texas
this 12th day of November 1996