



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

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

February 25, 1997

EA 97-017

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

SUBJECT: NRC INSPECTION REPORT 50-298/96-24 AND NOTICE OF VIOLATION

Dear Mr. Horn:

An NRC safety system functional inspection was conducted October 7 through February 19, 1997, at the Cooper Nuclear Station facility. The findings of the inspection team were discussed with Mr. Phil Graham and others of your staff on November 1, 1996. Following additional in-office inspection, an exit meeting was held with your staff on November 26, 1996. Several items remained unresolved at the exit and your staff provided additional information to the NRC following the exit. The resolution of outstanding issues and the overall results of this inspection were discussed during a final exit meeting with Mr. Phil Graham and others of your staff on February 19, 1997. The enclosed report presents the scope and results of that inspection.

The inspection identified a large number of design and licensing discrepancies. More importantly, your staff had failed to correct several errors, which indicated that the design and licensing basis for the facility was not being maintained up-to-date. Two significant examples involved an inaccurate standby liquid control system relief valve setpoint and inaccurate diesel generator fuel oil storage requirements in the Technical Specifications. Specifically, your staff did not update the surveillance requirements for the standby liquid control system after they identified that the safety basis for a license amendment was no longer valid. In addition, during an evaluation of the design criteria document open items, your staff did not recognize that a contractor had correctly identified that the diesel generator fuel oil storage requirements in the Technical Specifications did not meet the safety basis in the Updated Safety Analysis Report.

The inspection team noted that your staff initially appeared to be more interested in arguing the licensing basis of the facility, rather than addressing the technical and safety issues raised by the inspection team. Although we noted improvement during the second portion of the inspection, our concerns regarding the accuracy of your design and licensing basis are heightened because your engineering staff did not clearly demonstrate that they were the safety conscience of the facility. This is especially critical for your facility, in light of the large number of design and licensing basis discrepancies.

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The inspection identified three violations of NRC requirements. The first violation involved your failure to promptly identify conditions adverse to quality involving open items in a vendor's review of your design criteria documents. Specifically, your staff did not promptly or correctly evaluate these design criteria document open items for operability implications as they became aware of new issues. Additional attention is needed to ensure operability determinations are promptly and conservatively performed.

The second violation involved three examples of your failure to adequately establish procedures for emergency conditions involving possible release of radioactive materials. This violation is of concern because the use of the existing operational procedures would have reduced the amount of liquid control solution (boron) in the reactor during an anticipated transient without scram.

The third violation involved inadequate work controls related to loose inlet and outlet scram valve fastener assemblies for the control rod drive hydraulic control units. We are particularly concerned about this violation because, contrary to the information you provided in a letter dated November 1, 1996, you have recently experienced maintenance personnel not completing the work documented in their work instructions. Additional attention is needed to determine the root cause of this problem and to ensure that work activities are accurately documented, as well as to ensuring the accuracy of the information you provide to the NRC.

These violations are 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.

Five items remained unresolved at the end of the inspection. Two of these items, discussed in paragraphs E1.5 and E3.2 in the enclosed report, involved industry issues related to the facility's response during an anticipated transient without scram. The remaining three unresolved items involved site-specific issues. These matters, discussed in paragraphs E1.2, E1.3, and E7.3, are subject to further review by the NRC.

Following the inspection, your staff made a regulatory commitment related to inaccuracies and unverified assumptions in the reactor protection system setpoint and associated scaling calculations. During the inspection, the team found that in Quality Assurance Audit 96-06, your staff had correctly identified widespread weaknesses in the control of instrument scaling and setpoints. The team reviewed your in-progress corrective action plan for the audit deficiency and found it to be acceptable for instruments with setpoints. During the final exit call on February 19, 1997, Mr. Phil Graham confirmed that Nebraska Public Power District would complete the existing plan to correct and update site setpoint calculations and associated scaling documents by December 31, 1997. Please confirm this regulatory commitment in writing within 30 days of the date of this letter.

In addition to the issues already discussed, one apparent violation was identified. This apparent violation and a closely related apparent violation described in NRC Inspection Report 50-298/96-31 are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. Accordingly, no Notice of Violation is presently being issued for these inspection findings. Please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

The apparent violation described in this report involves multiple failures to update the Updated Safety Analysis Report as required by 10 CFR 50.71(e). Although none of the identified examples affect system operability, our concern has been heightened due to the large number of discrepancies identified by this inspection, your staff, and the resident inspectors in 1996. More importantly, it appears your staff did not take effective corrective action when the scope of the problem was first understood.

As previously mentioned, NRC Inspection Report 50-298/96-31 described a related apparent violation of 10 CFR 50.59. Based on these examples, we are concerned that your Updated Safety Analysis Report has not been maintained up-to-date and that as a result your staff has not rigorously evaluated changes to the facility described in the USAR to determine if further NRC staff review is required.

An open predecisional enforcement conference to discuss these apparent violations will be scheduled in the near future. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. We note that you indicated in our recent management meeting on December 19, 1996, that you were developing plans to address this issue.

We are interested in gaining a better understanding of your perspective on dispositioning USAR discrepancies. Specifically, when can a USAR discrepancy be corrected pursuant to 10 CFR 50.71(e) versus when is a safety evaluation required to evaluate the discrepancy pursuant to 10 CFR 50.59. For the predecisional enforcement conference, we request that you be prepared to discuss this issue as it applies to the apparent violation examples identified in this report. One approach that we suggest for evaluating each example, would be to determine how the current facility configuration compares with the FSAR, determine if any differences from the FSAR were reviewed by your staff and found to be acceptable changes pursuant to 10 CFR 50.59, and present your evaluation of whether a violation of 10 CFR 50.59 or 10 CFR 50.71(e) or both occurred. We also expect you to discuss your basis for not correcting the Technical Specification standby liquid control system surveillance requirement after your staff identified that the safety basis for the license amendment was no longer valid.

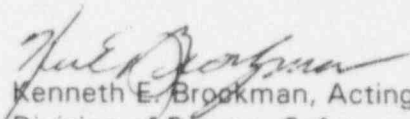
In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

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). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

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

Sincerely,

  
Kenneth E. Brookman, Acting Director  
Division of Reactor Safety

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

Enclosures:

1. Notice of Violation
2. NRC Inspection Report  
50-298/96-24

cc w/enclosures:  
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Kansas Radiation Control Program Director

E-Mail report to T. Boyce (THB)

E-Mail report to NRR Event Tracking System (IPAS)

bcc to DMB (IE01)

bcc distrib. by RIV:

E. W. Merschoff

DRP Director

Branch Chief (DRP/C)

Branch Chief (DRP/TSS)

Project Engineer (DRP/C)

Resident Inspector

DRS-PSB

MIS System

RIV File

Leah Tremper (OC/LFDCB, MS: TWFN 9E10)

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E-Mail report to T. Boyce (THB)

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bcc to DMB (IE01)

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E. W. Merschhoff

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