

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Nebraska Public Power District
Cooper Nuclear Station

Docket No. 50-298
License No. DPR-46
EA 86-03

During an NRC inspection conducted on November 18-22, 1985, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violations Assessed A Civil Penalty

- A. Technical Specification 3.7.C.1 requires that secondary containment integrity be maintained when irradiated fuel is handled inside the reactor building. Technical Specification 3.7.B.1 requires that both standby gas treatment systems (SGTS) be operable at all times when secondary containment integrity is required. Secondary containment integrity is defined in the Cooper Technical Specification paragraph 1.V, in part, as all automatic ventilation system isolation valves operable or secured in the isolated position. Technical Specification 3.7.B.3 allows one SGTS to be inoperable for up to seven days only if the other SGTS is operable. Technical Specification Section 6.3 requires that detailed written procedures be used to conduct surveillance activities. Surveillance Procedure 6.3.7.5, paragraph VIII.A.14 requires that electrical jumpers be removed at the completion of testing.

Contrary to the above, on November 14, 1985, secondary containment integrity was not maintained as required when irradiated fuel was moved in the reactor building in that the automatic start capability of both trains of the SGTS was inoperable and the automatic isolation feature of the reactor building ventilation system was inoperable. The violation occurred because electrical jumpers used during surveillance testing were not removed after testing was completed.

- B. Technical Specification Section 6.3 requires that detailed written procedures be used to conduct surveillance activities. Surveillance Procedure 4.6.H.2 requires that inspection shall verify that there are no visible indications of damage or impaired operability for safety-related snubbers. Technical Specification 3.6.H requires that during all modes of operation except for cold shutdown or refueling, all safety-related snubbers be operable.

Contrary to the above, surveillance inspections performed during July 1985 by the licensee did not identify two drywell snubbers that had visible indications of impaired operability. As a result, from August 20 to October 5, 1985, Cooper Nuclear Station was in operational modes other than cold shutdown or refueling with these snubbers inoperable. Also from August 20 to October 5, 1985, about 23 additional safety-related snubbers were inoperable while the facility was in operational modes other than cold shutdown or refueling.

Collectively, the above violations have been evaluated as a Severity Level III problem (Supplement I).

(Cumulative Civil Penalty - \$50,000 - assessed equally between the violations.)

II. Violations Not Assessed A Civil Penalty

- A. Technical Specifications, Section 6.3 requires that there be procedures implemented for fire protection.

Cooper Nuclear Station Administrative Procedure, "CNS Fire Protection Plan," A.P.-0.23, Revision 0, dated August 8, 1985, (paragraph V.A.2.a.b) states, "good housekeeping practices are essential for fire safety . . . rags, paper, and other foreign materials must not be allowed to accumulate"

Contrary to the above, poor housekeeping practices and the accumulation of materials adverse to fire safety were found on November 20-21, 1985, in certain areas of the reactor building as evidenced by the following examples:

1. Several large boxes of refuse and other trash were found in the doorways and access areas of the RHR heat exchanger "B" room and the HPCI room (in the southwest quad). This material would have limited access of personnel and fire equipment.
2. A fire hose in the southwest quad at 882' elevation was covered with personnel clothing.
3. The electric motor associated with radiation waste effluent monitor (TB-486) at elevation 903' on the south wall of the reactor building was found to have a plastic pail on the top of it.
4. In the 4160 volt switch gear room a number of aerosol cans of flammable materials were found within three to four feet of switch gear equipment with electric heaters.

Collectively, the above violations have been categorized as a Severity Level IV problem (Supplement I).

B. Failure to Properly Log and Sign Off Surveillance Discrepancies

Technical Specifications, Section 6.3 requires that detailed written procedures be used to conduct surveillance test activities.

The Cooper Nuclear Station Surveillance Procedures, "Fire Protection System Monthly Inspection," S.P.-6.4.5.1, Revision 38, dated November 7, 1985, and "Fire Protection System Annual Inspection," S.P.-6.4.5.2, Revision 30, dated November 7, 1985, both require in paragraph V.B.1 that "all discrepancies shall be recorded in the Shift Supervisor's log." In Attachment A of each procedure a checklist and report form provides space for the shift supervisor to sign off if a nonconformance report of work item is initiated.

Contrary to the above, discrepancies identified in the conduct of certain monthly and annual fire prevention inspections were not recorded in the Shift Supervisor's log. Additionally, the Shift Supervisor had not signed off on Attachment A to the subject procedures when corrective actions for nonconformance work items were initiated as illustrated by the following examples:

1. Annual inspections dated February 13 and May 15, 1985, and monthly inspections dated August 4 and September 28, 1985, identified discrepancies, yet they were not recorded in the shift supervisor's log.
2. During monthly inspections dated August 4, September 2, September 28, and October 29, 1985, nonconformance work items were initiated but did not have the shift supervisor's (Attachment A) sign off on the subject procedures.

Collectively, the above violations have been categorized as a Severity Level IV problem.

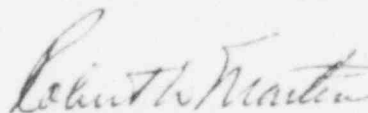
Pursuant to the provisions of 10 CFR 2.201, the Nebraska Public Power District is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, within 30 days of the date of this Notice a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which 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, the Director, Office of Inspection and Enforcement, may issue an order to show cause 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 Nebraska Public Power District may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the amount of Fifty Thousand Dollars (\$50,000) or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Inspection and Enforcement. Should the Nebraska Public Power District fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should the Nebraska Public Power District elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer 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 five factors addressed in Section V.B of 10 CFR Part 2, Appendix C 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 Nebraska Public Power District's attention 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 has been subsequently 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. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert D. Martin
Regional Administrator

Dated at Arlington, Texas,
this 13th day of February 1986