



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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

FEB 28 1997

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

SUBJECT: NRC INSPECTION REPORT 50-298/96-30

Dear Mr. Horn:

Thank you for your letter of January 24, 1997, in response to our letter and Notice of Violation (Notice) dated December 20, 1996. In our Notice we cited your failure to comply with the requirements of 10 CFR 50.59 for conducting spent fuel pool activities in a manner inconsistent with that described in the USAR. Specifically, the USAR indicated that the residual heat removal (RHR) system would be used to assist fuel pool cooling when full core offloads were performed. On October 20, 1995, the NRC contended that RHR was not available to service the spent fuel pool and a full core offload, which the USAR classified as an emergency heat load, was in progress.

In your response, you did not dispute that a violation of 10 CFR 50.59 occurred, but you contended that the underlying issue of the violation would have been better characterized as a failure to properly update the CNS Final Safety Analysis Report (FSAR) pursuant to the requirements of 10 CFR 50.71(e)(3). The NRC agrees that your failure to update the FSAR pursuant to License Amendment 52 of September 1978 was a cause of facility operation inconsistent with the USAR, but we maintain that a 10 CFR 50.59 violation did occur. Such "de facto" violations of 10 CFR 50.59 are discussed in the NRC's Enforcement Guidance Memorandum (EGM) 96-005 dated October 21, 1996. The EGM describes that 10 CFR 50.59 may be used to form the basis for citations when the facility or procedures never met the description in the FSAR. In this specific case your procedures were not designed to maintain RHR B available when performing full core offloads and we contend that RHR B was not available to service fuel pool on October 20, 1995, because it was lined up to provide shutdown cooling and was required to perform its low pressure safety injection (LPSI) function. It is our understanding that RHR A was down for maintenance at the time.

Because your response focused on correcting what you perceived as a 10 CFR 50.71(e) concern, the corrective actions pertained to your past and future efforts to update the USAR. Therefore, the response was silent on what your corrective actions will be to ensure that the facility is operated in conformance with the USAR. We are not asking that you resubmit your response, but rather we are asking that you incorporate this issue into your discussions in the predecisional enforcement conference scheduled for April 15, 1997, to discuss apparent violations identified in NRC Inspection Reports 50-298/96-24

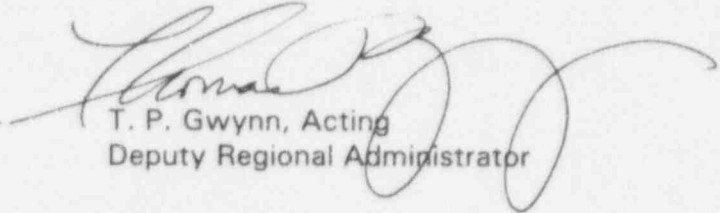
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and 50-298/96-31. Specifically, please be prepared to discuss your position relative to the occurrences of October 20, 1995, and whether they constituted violations of 10 CFR 50.59, 10 CFR 50.71(e), or both.

If you have any questions, please contact Mr. Art Howell of the Region IV staff at 817/860-8180.

Sincerely,



T. P. Gwynn, Acting
Deputy Regional Administrator

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

cc:

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FEB 28 1997

bcc to DMB (IE01)

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Regional Administrator

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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*previously concurred

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