

February 2, 2000

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

SUBJECT: CLOSURE OF NOTICE OF ENFORCEMENT DISCRETION (TAC NO. MA7784,
NOED NO. 99-6-010)

Dear Mr. Swailes:

The Nuclear Regulatory Commission's Office of Nuclear Reactor Regulation (NRR) granted Nebraska Public Power District's (NPPD's) request for enforcement discretion on December 30, 1999, regarding excessive leakage from the reactor equipment cooling (REC) system. This excessive leakage caused both subsystems or trains of the REC system to be declared inoperable. Cooper Nuclear Station's (CNS's) licensing-basis requirement is that the REC system be able to supply cooling to safety-related loads for 30 days after a loss-of-coolant accident (LOCA), without makeup to the REC system, as described in the CNS Updated Safety Analysis Report. By issuance of the notice of enforcement discretion (NOED), the NRC did not enforce compliance with Technical Specification (TS) 3.7.3, Action B, which required the plant to be placed in mode 3 within 12 hours and mode 4 within 36 hours when both trains of REC are inoperable.

An amendment request to change the licensing basis and operability requirements of the REC system was already under staff review at the time of the enforcement discretion request. This amendment request, dated June 15, 1999, would allow CNS to revise the maximum allowable REC system leakage during normal power operation such that the inventory in the REC system surge tank would assure that the system would fulfill its function for at least the first 7 days following a LOCA. The service water system would fulfill the safety functions of the REC system, if required, for the remaining duration of the accident.

As allowed by the issuance of the NOED, CNS continued normal power operation. However, REC leakage continued to increase. On January 7, 2000, a controlled reactor shutdown was conducted to facilitate identification of the leak. After a drywell entry did not reveal any obvious leakage location, the reactor was shut down on January 8, 2000. At the time the plant was placed in mode 3 on January 8, 2000, the NOED was no longer required as CNS was in compliance with TS 3.7.3. Based on your letter dated January 20, 2000, which was a comprehensive summary of NPPD activities associated with this action, NRR considers that the NOED was terminated at approximately 11:52 a.m. (CST) on January 8, 2000. NRR staff discussed this with NPPD staff on January 8, 2000.

During the process of requesting the NOED, NPPD determined that information was provided to the staff regarding the REC system that was not consistent with the actual system design. Although the NRC staff concluded that the approval of the NOED remained appropriate, this information prolonged the amendment review and NOED issuance processes and reduced NRC confidence in NPPD's design-basis knowledge of the plant. While the safety significance of this matter was low, the staff seeks to develop a better understanding from NPPD as to the circumstances involved with providing the information in order to avoid a repeat occurrence.

As a consequence of the issuance of the NOED, the June 15, 1999, amendment request was being processed on an exigent basis. In response to your letter dated January 20, 2000, the amendment request previously mentioned will no longer be treated as exigent. The staff will continue review of the request on a normal schedule.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reaction Regulation

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Dated: February 2, 2000

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