

June 5, 2003

Mr. Clay C. Warren
Vice President of Nuclear Energy
Nebraska Public Power District
P.O. Box 98
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION - ISSUANCE OF AMENDMENT
RE: FIRE PROTECTION (TAC NO. MB5794)

Dear Mr. Warren:

The U. S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 199 to Facility Operating License (FOL) No. DPR-46 for the Cooper Nuclear Station. The amendment consists of changes to the FOL in response to your application dated July 10, 2002, as supplemented by letter dated April 16, 2003.

The amendment replaces the fire protection requirements contained in FOL Section 2.C.(4) with the standard fire protection FOL condition recommended by Generic Letter 86-10, Section F, adapted to the Cooper Nuclear Station.

A copy of our related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosures: 1. Amendment No. 199 to DPR-46
2. Safety Evaluation

cc w/encls: See next page

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NRR-058

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NEBRASKA PUBLIC POWER DISTRICT

DOCKET NO. 50-298

COOPER NUCLEAR STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 199

License No. DPR-46

1. The U. S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nebraska Public Power District (the licensee) dated July 10, 2002, as supplemented by letter dated April 16, 2003, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to Paragraph 2.C.(4) of Facility Operating License No. DPR-46 as indicated in the attachment to this license amendment.
3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert A. Gramm, Chief, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility
Operating License

Date of Issuance: June 5, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 199

FACILITY OPERATING LICENSE NO. DPR-46

DOCKET NO. 50-298

Replace the following page of the Facility Operating License No. DPR-46 with the enclosed revised page.

REMOVE

4

INSERT

4

2.C.(4) Fire Protection

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Cooper Nuclear Station (CNS) Updated Safety Analysis Report and as approved in the Safety Evaluations dated November 29, 1977; May 23, 1979; November 21, 1980; April 29, 1983; April 16, 1984; June 1, 1984; January 3, 1985; August 21, 1985; April 10, 1986; September 9, 1986; November 7, 1988; February 3, 1989; August 15, 1995; and July 31, 1998, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

C(5) Additional Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 178, are hereby incorporated into this license. Nebraska Public Power District shall operate the facility in accordance with the Additional Conditions.

- C(6) Upon receiving NRC approval of the licensee's seismic evaluation of the main steam isolation valve leakage pathway to the main turbine condenser, the main turbine condenser, and the turbine building, the licensee shall fully implement the approved request, including the associated modifications, prior to restart from refueling outage 22. Until implementation is completed, potassium iodide will continue to be made available to Control Room personnel during a loss-of-coolant accident with core damage.

- D (Not used)

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 199 TO
FACILITY OPERATING LICENSE NO. DPR-46
NEBRASKA PUBLIC POWER DISTRICT
COOPER NUCLEAR STATION
DOCKET NO. 50-298

1.0 INTRODUCTION

By application to the U. S. Nuclear Regulatory Commission (the Commission, NRC) dated July 10, 2002, as supplemented by letter dated April 16, 2003, Nebraska Public Power District (the licensee), requested an amendment to Facility Operating License (FOL) No. DPR-46 for Cooper Nuclear Station (CNS). The supplement dated April 16, 2003, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on January 7, 2003 (68 FR 808).

The proposed changes would replace the fire protection (FP) requirements contained in FOL No. DPR-46, Section 2.C.(4). Specifically, the proposed changes would delete the current condition which calls for completion of certain FP modifications with the standard FP condition recommended by Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," Section F, adapted to CNS.

2.0 REGULATORY EVALUATION

The staff finds that the licensee in Section 4.0 of its July 10, 2002, submittal identified the applicable regulatory requirements. The regulatory requirements for which the NRC staff based its acceptance are contained in Title 10, *Code of Federal Regulations* (10 CFR) Part 50, Section 50.48, "Fire protection" and Appendix R to Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979." As stated in GL 86-10, "This package represents recent staff assessment...and provides guidance as to acceptable methods of satisfying Commission regulatory requirements."

3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendment which are described in Sections 4.0 and 6.0 of the licensee's July 10, 2002, submittal. The detailed evaluation below supports the conclusion that: (1) there

is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

3.1 Current License Condition Concerning Fire Protection

The current license condition concerning fire protection for CNS is contained in FOL No. DPR-46, Section 2.C.(4) which states:

The licensee may proceed with and is required to complete the modifications identified in Paragraphs 3.1 through 3.37 of the NRC's Fire Protection Safety Evaluation (SE), dated May 23, 1979, for the facility. These modifications will be completed prior to July 1, 1980.

In addition, the licensee shall submit the additional information in Table 3.1 of this SE in accordance with the schedule contained therein. In the event these dates for submittal cannot be met, the licensee shall submit a report, explaining the circumstances, together with a revised schedule.

The licensee is required to implement the administrative controls identified in Section 6 of the SE. The administrative controls shall be in effect by November 1, 1979.

With regard to the above-described modifications, the May 4, 1982, Exemption issued to CNS, concerning fire protection, states:

The FPSEER [Fire Protection Safety Evaluation Report] and its supplement supported issuance of amendments to the operating licensee [license] of Cooper Nuclear Station¹ which required modifications to be made to plant physical features, systems, and administrative controls to meet the criteria of Appendix A to BTP [Branch Technical Position] 9.5-1. All of these modifications have been completed.

Since the subject modifications have been completed, the U.S. Nuclear Regulatory Commission (NRC) staff concludes that FOL No. DPR-46, Section 2.C.(4) should be replaced as requested by the licensee.

3.2 Proposed License Condition Concerning Fire Protection

Section F of GL 86-10 contains a sample license condition for use by licensees in proposing an amendment to the operating license to amend any current license conditions and substitute a standard condition. The standard condition (1) requires the licensee to implement and maintain in effect an approved fire protection program as described in the Final Safety Analysis Report, (2) provides a list of references for the FPSEER and supplements, and (3) provides a system of making changes to the approved fire protection program. In the licensee's supplement dated

¹ Cooper - Operating License DPR-46

Amendment 56 supported by FPSEER issued May 23, 1979

Amendment 66 supported by Supplement 1 to FPSEER issued November 21, 1980

April 16, 2003, the licensee submitted a proposed license condition to replace FOL No. DPR-46, Section 2.C.(4). The proposed license condition, based upon the guidance contained in GL 86-10, Section F, states the following:

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Cooper Nuclear Station (CNS) Updated Safety Analysis Report and as approved in the Safety Evaluations dated November 29, 1977; May 23, 1979; November 21, 1980; April 29, 1983; April 16, 1984; June 1, 1984; January 3, 1985; August 21, 1985; April 10, 1986; September 9, 1986; November 7, 1988; February 3, 1989; August 15, 1995; and July 31, 1998, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

The NRC staff has reviewed the licensee's proposed license condition and concludes that it conforms to the guidance contained in GL 86-10, Section F, and is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Nebraska State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (68 FR 808 dated January 7, 2003). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: D. H. Jaffe

Date: June 5, 2003

Cooper Nuclear Station

cc:

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