

March 30, 2006

Mr. Randall K. Edington
Vice President Nuclear and
Chief Nuclear Officer
Nebraska Public Power District
Cooper Nuclear Station
P.O. Box 98
Brownville, NE 68321-0098

Dear Mr. Edington:

This is in response to your December 22, 2005, letter requesting a fee waiver for the Cooper Nuclear Station review fees for implementing the new fire protection rule. Your request is based on your proposal that Cooper Nuclear Station be considered a pilot plant for the initial implementation of performance-based fire protection using National Fire Protection Association Standard NFPA-805 under 10 CFR 50.48(c). For the reason below, I am denying a fee waiver in accordance with the applicable provisions of 10 CFR 170.11.

The Office of Nuclear Reactor Regulation has determined that participation of two plants in the pilot plant review would enable them to observe and review the transition to NFPA-805 under 10 CFR 50.48(c). The Office of Nuclear Reactor Regulation has already selected two other pilot plants for transition to NFPA-805, and at this time, does not plan to add additional pilot plants. Therefore, the Cooper Nuclear Station is the primary beneficiary of the NRC's review and approval of their request to adopt NFPA-805. Per provisions of 10 CFR 170.11(a)(1)(iii)(c), I am unable to grant you a fee waiver for the licensing and review fees for the Cooper Nuclear Station.

A separate letter from the Office of Nuclear Reactor Regulation responded to other issues raised in your December 22, 2005, letter. Please contact Ms. Renu Suri, of my staff, at 301-415-0161 for any fee-related questions. For technical questions, please contact Dr. Sunil Weerakkody at 301-415-2870.

Sincerely,

/RA/

Jesse L. Funches
Chief Financial Officer

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Jesse L. Funches
Chief Financial Officer

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