

September 6, 2006

Mr. Randall K. Edington  
Vice President-Nuclear and CNO  
Nebraska Public Power District  
P. O. Box 98  
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION - ISSUANCE OF AMENDMENT RE:  
TECHNICAL SPECIFICATION (TS) CHANGES ASSOCIATED WITH  
INSERVICE TESTING PROGRAM, SECTION 5.5.6, UNDER TS PROGRAMS  
AND MANUALS (TAC NO. MD0335)

Dear Mr. Edington:

The U.S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 223 to Facility Operating License No. DPR-46 for the Cooper Nuclear Station. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated March 7, 2006, as supplemented by letter dated May 10, 2006.

The amendment revises the TSs by changing the inservice testing (IST) requirements from the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section XI, to ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) and applicable addenda. This eliminates the ASME Code inconsistency between the IST program and the TSs pursuant to paragraph 50.55a(f)(5)(ii) of Title 10 of the *Code of Federal Regulations*. TS Section 5.5.6, "Inservice Testing Program," and the associated TS Bases would be revised under this TS amendment. Additionally, the amendment extends the applicability of Surveillance Requirement 3.0.2 provisions to other normal and accelerated frequencies specified as 2 years or less in the IST program.

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

Sincerely,

**/RA/**

Brian Benney, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosures: 1. Amendment No. 223 to DPR-46  
2. Safety Evaluation

cc w/encls: See next page

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**PACKAGE NO.: ML061440045**

**ACCESSION NO.: ML061440049**

**TS Page: ML062500301**

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NEBRASKA PUBLIC POWER DISTRICT

DOCKET NO. 50-298

COOPER NUCLEAR STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 223

License No. DPR-46

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by the Nebraska Public Power District (the licensee) dated March 7, 2006, as supplemented by letter dated May 10, 2006, 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 the Technical Specifications as indicated in the attachment to this license amendment and Paragraph 2.C.(2) of Facility Operating License No. DPR-46 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 223, are hereby incorporated in the license. The Nebraska Public Power District shall operate the facility in accordance with the Technical Specifications.

3. The license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

David Terao, Chief  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical  
Specifications

Date of Issuance: September 6, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 223

FACILITY OPERATING LICENSE NO. DPR-46

DOCKET NO. 50-298

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by an amendment number and contains marginal lines indicating the areas of change.

REMOVE

5.0-10

INSERT

5.0-10

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 223 TO

FACILITY OPERATING LICENSE NO. DPR-46

NEBRASKA PUBLIC POWER DISTRICT

COOPER NUCLEAR STATION

DOCKET NO. 50-298

1.0 INTRODUCTION

By application dated March 7, 2006, as supplemented by letter dated May 10, 2006 (Agencywide Documents Access and Management System Accession Nos. ML060720226 and ML061350333, respectively), Nebraska Public Power District (NPPD/the licensee) requested changes to the Technical Specifications (TSs, Appendix A to Facility Operating License No. DPR-46) for the Cooper Nuclear Station (CNS).

The proposed TS amendment would change the inservice testing (IST) requirements from the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section XI, to ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) and applicable addenda. This would eliminate the ASME Code inconsistency between the IST program and the TS pursuant to paragraph 50.55a(f)(5)(ii) of Title 10 of the *Code of Federal Regulations* (10 CFR). TS Section 5.5.6, "Inservice Testing Program," and the associated TS Bases would be revised under this TS amendment. Additionally, the amendment would extend the applicability of Surveillance Requirement (SR) 3.0.2 provisions to other normal and accelerated frequencies specified as 2 years or less in the IST program.

2.0 REGULATORY EVALUATION

Section 50.55a(f)(5)(ii) of 10 CFR requires that, if a revised inservice test program for a facility conflicts with the TS for that facility, the licensee shall apply to the Commission for amendment of the TS to conform the TS to the revised program. The licensee is required to submit the application, as specified in 10 CFR 50.4, at least 6 months before the start of the period during which the provisions become applicable, as determined by 10 CFR 50.55a(f)(4).

In 1990, the ASME published the initial edition of the ASME OM Code, which provides requirements for IST of pumps and valves. The ASME OM Code was developed and is maintained by the ASME Committee on Operation and Maintenance of Nuclear Power Plants. The ASME OM Code was developed in response to the ASME Board on Nuclear Codes and Standards directive that transferred responsibility for development and maintenance of requirements for the IST of pumps and valves from the ASME, Section XI, Subcommittee on Nuclear Inservice Inspection to the ASME OM Committee. The ASME intended the ASME OM Code to replace Section XI rules for IST of pumps and valves, and the Section XI requirements

for IST of pumps and valves that had been incorporated by reference into the NRC regulations have been deleted from Section XI. The CNS fourth 10-year interval IST programs were developed to meet the requirements of the 2001 Edition through 2003 Addenda of the ASME OM Code pursuant to 10 CFR 50.55a(f)(4)(ii). The TS 5.5.6 reference to Section XI of the ASME Code for inservice testing requirements results in a reference to a deleted portion of the ASME Code. NPPD submitted this TS amendment to revise the TS to reference the current ASME Code requirements. The fourth 10-year IST interval for CNS began on March 1, 2006.

NUREG-1433, Standard Technical Specifications General Electric Plants, BWR/4, Revision 3.0, was modified via Technical Specification Task Force (TSTF) traveler TSTF-479 in December 2005. This traveler addressed changes to Section 5.5.7, "Inservice Testing Program," in Revision 3.1 of the standard TSs, to reflect revisions of 10 CFR 50.55a referencing the ASME OM Code and the application of SR 3.0.2 to test frequencies specified in the IST program.

The NRC's findings with respect to authorizing the TS amendment are given below.

### 3.0 TECHNICAL EVALUATION

#### 3.1 Specific Changes Requested

The licensee has proposed the following changes to the TS:

For TS Section 5.5.6, "Inservice Testing Program," the reference to "ASME Boiler and Pressure Vessel Code, Section XI" for inservice testing requirements would be replaced with "ASME OM Code" in the following TS Sections: 5.5.6.a and 5.5.6.d.

For TS Section 5.5.6, "Inservice Testing Program," Section 5.5.6.b would be revised to apply SR 3.0.2 to other normal and accelerated frequencies specified as two years or less in the Inservice Testing Program.

The associated TS Surveillance Requirements Bases Sections B 3.4.3, B 3.5.1, B 3.6.1.6, B 3.6.2.3, and B 3.8.1 would be revised to change the reference from "ASME Boiler and Pressure Vessel Code, Section XI" to "ASME Code for Operation and Maintenance of Nuclear Power Plants" for consistency with the TS changes.

#### 3.2 Basis for Changes

TS 5.5.6, "Inservice Testing Program," establishes the surveillance requirements for IST of ASME Class 1, 2, and 3 components for CNS. TS Section 5.5.6 currently references Section XI of the ASME Boiler and Pressure Vessel Code as the source of requirements for the inservice testing of ASME Code Class 1, 2, and 3 pumps and valves.

Paragraph 50.55a(f)(4) of 10 CFR establishes the effective Code edition and addenda to be used by licensees for performing IST of pumps and valves. In addition, the 10 CFR 50.55a(f)(4)(ii) requires licensees to update their IST program to the latest edition of the ASME OM Code incorporated by reference into 10 CFR 50.55a(b).

Pursuant to 10 CFR 50.55a(f)(4)(ii), NPPD submitted its fourth 10-year interval IST program for CNS to the NRC in a letter dated October 19, 2005, to meet the requirements of the 2001 Edition through 2003 Addenda of the ASME OM Code. The IST Program for the fourth interval was updated to comply with the appropriate revisions of the ASME OM Code and included the 2001 Edition through 2003 Addenda as the new Code of Record for performing IST at CNS. As a consequence, the TS 5.5.6 reference to Section XI of the ASME Code results in a reference to a deleted portion of the Code.

Pursuant to 10 CFR 50.55a(f)(5)(ii), if a revised inservice test program for a facility conflicts with the TS for the facility, the licensee is required to apply to the Commission for amendment of the TSs to conform the TS to the revised program. The licensee must submit the application, as specified in 10 CFR 50.4, at least 6 months before the start of the period during which the provisions become applicable as determined by 10 CFR 50.55a(f)(4).

Since TS 5.5.6 and several TS Bases reference ASME Section XI for the IST requirements for pumps and valves, the TS for CNS requires a revision to change the IST code references from ASME Section XI to the ASME OM Code.

The TSTF recognized that IST programs may have frequencies for testing that are based on risk and do not conform to standard testing frequencies specified in the TS. Traveler TSTF-479 proposed a change to the standard TS contained in NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR/4," Revision 3.0, to extend the applicability of SR 3.0.2 to "other normal and accelerated Frequencies specified in the inservice testing program." This change was incorporated in Revision 3.1 of the Standard Technical Specifications General Electric Plants, BWR/4. The NRC staff expressed concern that applying the 25 percent extension permitted by SR 3.0.2 to frequencies in excess of 2 years (such as 5 or 10 years as permitted by the ASME OM Code in certain cases) would be inappropriate and has requested a change to TSTF-479 to revise the provision for applying SR 3.0.2 to IST test frequencies. Application of SR 3.0.2 to frequencies of 2 years or less, however, is consistent with the staff position contained in NUREG-1482, "Guidelines for Inservice Testing at Nuclear Power Plants."

### 3.3 Evaluation

In 1990, the ASME published the initial edition of the ASME OM Code, which provides requirements for IST of pumps and valves. The ASME OM Code was developed and is maintained by the ASME Committee on Operation and Maintenance of Nuclear Power Plants. The ASME OM Code was developed in response to the ASME Board on Nuclear Codes and Standards directive that transferred responsibility for development and maintenance of rules for the IST of pumps and valves from the ASME, Section XI, Subcommittee on Nuclear Inservice Inspection to the ASME OM Committee. The ASME intended the ASME OM Code to replace Section XI rules for IST of pumps and valves, and the Section XI rules for IST of pumps and valves that had been incorporated by reference into NRC regulations have been deleted from Section XI.

Section 50.55a(f), "Inservice Testing Requirements," requires, in part, that ASME Class 1, 2, and 3 components must meet the requirements of the ASME OM Code. The ASME publishes a new edition of the ASME OM Code every 3 years, and a new addendum every year. The CNS fourth interval IST program was updated to comply with the 2001 Edition through



2003 Addenda of the ASME OM Code pursuant to 10 CFR 50.55a(f)(4)(ii). As a consequence, the TS 5.5.6 reference to Section XI of the ASME Code for inservice testing requirements results in a reference to a deleted portion of the ASME Code. The TS changes do not eliminate any inservice tests and do not deprive the licensee of its ability to seek relief from Code test requirements when they are impractical. The changes will eliminate the ASME Code inconsistency between the IST program and the TS pursuant to 10 CFR 50.55a(f)(5)(ii). The proposed change to the TS references from "ASME Section XI" to "ASME OM Code" will maintain consistency with the Code requirements; therefore, the NRC staff finds this proposed change to be acceptable. Additionally, the proposed changes to TS 5.5.6.a and TS 5.5.6.d are consistent with the comparable Section 5.5.7 of the Standard TS, Revision 3.1.

In addition, the licensee's proposed change to TS 5.5.6.b applies SR 3.0.2 to the frequencies specified in TS 5.5.6.a and other normal and accelerated frequencies specified as two years or less in the IST program. This change recognizes that the IST program may direct that additional tests be performed in accordance with the ASME OM Code that are not at the standard intervals listed in TS 5.5.6.a. Additionally, the licensee has explicitly limited application of SR 3.0.2 to frequencies specified as two years or less. These aspects of the proposed change implement Code provisions that provide the basis for the IST program, and they are consistent with guidance contained in NUREG-1482 regarding maximum allowable extensions of test intervals. Therefore, the NRC staff finds this proposed change to be 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 the 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 (71 FR 38184; July 5, 2006). 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 amendment.

#### 6.0 CONCLUSION

The proposed TS changes comply with the requirements of 10 CFR 50.92, concerning the NRC staff's no significant hazards consideration, since the TS amendment does not: (i) involve a significant increase in the probability or consequences of an accident previously evaluated, or (ii) create the possibility of a new or different kind of accident from any accident previously evaluated, or (iii) involve a significant reduction in the margin of safety.

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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: September 6, 2006

Cooper Nuclear Station

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February 2006