



**Nebraska Public Power District**

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NLS2012042  
June 14, 2012

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555-0001

Subject: License Amendment Request - Cyber Security Plan Implementation  
Schedule Milestone  
Cooper Nuclear Station, Docket No. 50-298, DPR-46

- References:
1. Letter from Lynnea E. Wilkins, U.S. Nuclear Regulatory Commission, to Brian J. O'Grady, Nebraska Public Power District, dated July 27, 2011, "Cooper Nuclear Station - Issuance of Amendment Re: Approval of Cyber Security Plan (TAC No. ME4270)"
  2. Letter from Brian J. O'Grady, Nebraska Public Power District, to U.S. Nuclear Regulatory Commission, dated March 30, 2011, "Response to Request for Additional Information Regarding Revision to the Renewed Facility Operating License and Request for Review and Approval of the Cyber Security Plan"

Dear Sir or Madam:

The purpose of this letter is for the Nebraska Public Power District (NPPD) to request an amendment to Facility Operating License (FOL) DPR-46 for Cooper Nuclear Station (CNS) to revise the Physical Protection license condition as it relates to the cyber security plan.

In Reference 1, the U.S. Nuclear Regulatory Commission (NRC) issued License Amendment No. 238 to the Renewed FOL for CNS that approved the CNS Cyber Security Plan and associated implementation milestone schedule. The Cyber Security Plan Implementation Schedule contained in Reference 2 was utilized as a portion of the basis for the NRC's safety evaluation report provided by Reference 1. NPPD is planning to implement the requirements of Implementation Milestone 6 in a slightly different manner than described in the approved

**NOTE: ATTACHMENTS 1 (SECTIONS 1, 2, AND 3), 4, AND 5 TO THIS LETTER CONTAIN SECURITY-RELATED INFORMATION. UPON SEPARATION FROM THESE ATTACHMENTS, THE COVER LETTER AND REMAINDER OF DOCUMENT ARE DECONTROLLED.**

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LNR

~~SECURITY-RELATED INFORMATION-~~  
~~WITHHOLD FROM PUBLIC DISCLOSURE PER 10 CFR 2.390~~

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Implementation Schedule. Although no change to the Implementation Schedule date is proposed, the change to the description of the milestone activity is conservatively considered to be a change to the Implementation Schedule, and in accordance with the provisions of 10 CFR 50.4 and 10 CFR 50.90, NPPD is submitting this request for an amendment to the FOL for CNS. The CNS Cyber Security Plan, Revision 0, was previously provided in Reference 2.

Attachment 1 provides an evaluation of the proposed change. Attachment 2 contains the existing FOL page marked-up to show the proposed change to the Physical Protection license condition for CNS to reference the change provided in this submittal. Attachment 3 contains the updated FOL change in final typed format. Attachment 4 contains a change to the scope of Implementation Milestone 6. Attachment 5 contains a revision to the commitment previously submitted in Reference 2. NPPD requests that Attachments 1 (Sections 1, 2 and 3), 4 and 5 which contain security-related information (SRI) be withheld from public disclosure in accordance with 10 CFR 2.390.

The proposed changes have been evaluated in accordance with 10 CFR 50.91(a)(1) using criteria in 10 CFR 50.92(c), and it has been determined that the changes involve no significant hazards consideration. The bases for these determinations are included in Attachment 1.

NPPD requests this license amendment be effective as of its date of issuance. Although this request is neither exigent nor emergency, your review and approval is requested prior to December 31, 2012, which is the current required completion date for the affected implementation milestone.

The proposed changes have been reviewed by the necessary safety review committees (Station Operations Review Committee and Safety Review and Audit Board). Amendments to the FOL through Amendment 241 issued February 16, 2012, have been incorporated into this request. This request is submitted under affirmation pursuant to 10 CFR 50.30(b).

By copy of this letter and its attachments, the appropriate State of Nebraska official is notified in accordance with 10 CFR 50.91(b)(1). Copies are also being provided to the NRC Region IV office and the CNS Resident Inspector in accordance with 10 CFR 50.4(b)(1).

Should you have any questions concerning this letter, or require additional information, please contact David Van Der Kamp, Licensing Manager, at (402) 825-2904.

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~~SECURITY-RELATED INFORMATION-~~  
~~WITHHOLD FROM PUBLIC DISCLOSURE PER 10 CFR 2.390~~

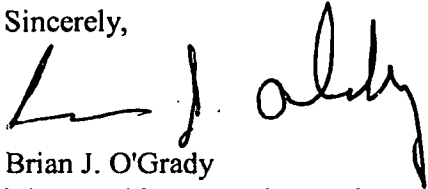
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 14 2012

Sincerely,



Brian J. O'Grady  
Vice President - Nuclear and  
Chief Nuclear Officer

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- Attachments:
1. Analysis of Proposed Operating License Change (contains SRI)
  2. Proposed Facility Operating License Change (Mark-up)
  3. Proposed Facility Operating License Change (Re-typed)
  4. Revised Cyber Security Plan Implementation Schedule (contains SRI)
  5. List of Regulatory Commitments (contains SRI)

cc: Regional Administrator w/attachments  
USNRC - Region IV

Cooper Project Manager w/attachments  
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector w/attachments  
USNRC - CNS

Nebraska Health and Human Services w/attachments  
Department of Regulation and Licensure

NPG Distribution w/o attachments

CNS Records w/attachments

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Attachment 1  
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Attachment 1  
Analysis of Proposed Operating License Change  
License Amendment Request - Cyber Security Plan Implementation Schedule Milestone  
Cooper Nuclear Station, Docket No. 50-298, DPR-46

- 1.0 Summary Description
- 2.0 Detailed Description
- 3.0 Technical Evaluation
- 4.0 Regulatory Evaluation
  - 4.1 Applicable Regulatory Requirements/Criteria
  - 4.2 Precedent
  - 4.3 Significant Safety Hazards Consideration
  - 4.4 Conclusions
- 5.0 Environmental Consideration
- 6.0 References

## **4.0 REGULATORY EVALUATION**

### **4.1 Applicable Regulatory Requirements/Criteria**

10 CFR 73.54 requires licensees to maintain and implement a cyber security plan. Cooper Nuclear Station Facility Operating License DPR-46 includes a Physical Protection license condition that requires Nebraska Public Power District (NPPD) to fully implement and maintain in effect all provisions of the Commission-approved cyber security plan, including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p).

### **4.2 Precedent**

Amendment No. 203 for the Callaway Plant (Reference 5) approved an implementation schedule using the Nuclear Energy Institute (NEI) template (Reference 3), with the exception of Milestone 6. The Callaway Plant deviated from the template for Milestone 6 to address only the NEI 08-09, Revision 6, Appendix D technical controls, excepting the operational and management controls on the basis that implementing the technical controls for the target set critical digital assets provides a high degree of protection against cyber related attacks that could lead to radiological sabotage.

The changes being proposed by NPPD in this amendment request are similar to those approved in the Callaway Plant Amendment No. 203.

### **4.3 Significant Safety Hazards Consideration**

Nebraska Public Power District (NPPD) is requesting an amendment to the Cooper Nuclear Station (CNS) Facility Operating License (FOL) to revise the Physical Protection license condition as it relates to the cyber security plan. This change includes a proposed deviation to the scope of a Cyber Security Plan Implementation Schedule milestone and a proposed revision to the CNS FOL to include the proposed deviation. Specifically, NPPD proposes a change to the scope of Implementation Milestone 6 to apply to only technical cyber security controls.

NPPD has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of Amendment," as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the Cyber Security Plan Implementation Schedule is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not

require any plant modifications which affect the performance capability of the structures, systems, and components (SSCs) relied upon to mitigate the consequences of postulated accidents, and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the Cyber Security Plan Implementation Schedule is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the SSCs relied upon to mitigate the consequences of postulated accidents, and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. The proposed change to the Cyber Security Plan Implementation Schedule is administrative in nature. Because there is no change to established safety margins as result of this change, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, NPPD concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

#### 4.4 Conclusion

In conclusion, based on the considerations discussed above: (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.

#### 5.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment provides a change to the Cyber Security Plan Implementation Schedule. The proposed amendment meets the eligibility criterion for a categorical exclusion set forth in 10 CFR 51.22(c)(12). Therefore, 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 REFERENCES

1. Letter from Lynnea E. Wilkins, NRC, to Brian J. O'Grady, NPPD, dated July 27, 2011, "Cooper Nuclear Station - Issuance of Amendment Re: Approval of Cyber Security Plan (TAC No. ME4270)"
2. Letter from Brian J. O'Grady, NPPD, to NRC, dated March 30, 2011, "Response to Request for Additional Information Regarding Revision to the Renewed Facility Operating License and Request for Review and Approval of the Cyber Security Plan"
3. Letter from Christopher E. Earls, NEI, to Richard P. Correia, NRC, dated February 28, 2011, "Template for the Cyber Security Plan Implementation Schedule" (ADAMS Accession No. ML110600211)
4. Letter from Richard P. Correia, NRC, to Christopher E. Earls, NEI, Template for the Cyber Security Plan Implementation Schedule, dated March 1, 2011 (ADAMS Accession No. ML110070348)
5. Letter from Mohan C. Thadani, NRC, to Adam C. Heflin, Union Electric Company, dated August 17, 2011, "Callaway Plant, Unit 1 - Issuance of Amendment Re: Approval of Cyber Security Plan (TAC No. ME4536)" (ADAMS Accession No. ML112140087)

Attachment 2

Proposed Facility Operating License Change  
(Mark-up)

Cooper Nuclear Station, Docket No. 50-298, DPR-46

Revised Facility Operating License Page

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- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2419 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 241, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Cooper Nuclear Station Safeguards Plan," submitted by letter dated May 17, 2006.

NPPD shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The NPPD CSP was approved by License Amendment No. 238

as supplemented by a change approved by License Amendment No. xxx.

(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.

Attachment 3

Proposed Facility Operating License Change  
(Re-typed)

Cooper Nuclear Station, Docket No. 50-298, DPR-46

Revised Facility Operating License Page

Page 3 of 5

- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2419 megawatts (thermal).

(2) Technical Specifications

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

(3) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Cooper Nuclear Station Safeguards Plan," submitted by letter dated May 17, 2006.

NPPD shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The NPPD CSP was approved by License Amendment No. 238 as supplemented by a change approved by License Amendment No. xxx.

(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.