



Nebraska Public Power District

NEBRASKA PUBLIC POWER DISTRICT
P. O. BOX 499
1414 - 15TH STREET
COLUMBUS, NE 68602-0499

GUY R. HORN
Vice-President, Nuclear
(402) 563-5518

NLS940133
December 27, 1994

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

Subject: Exemption Request - 10 CFR 50 Appendix J, Paragraph III.D.2(a)
Cooper Nuclear Station
NRC Docket No. 50-298, License No. DPR-46

Gentlemen:

In accordance with the requirements of 10 CFR 50.12(a), the Nebraska Public Power District (District) requests a one-time scheduler exemption from the specific requirements of Section III.D.2(a) for the Drywell Head and Manport (Penetration X-4) at Cooper Nuclear Station (CNS). The above identified section of Appendix J requires that Type B local leak rate tests (LLRT) be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than two years. The District requests that the two-year maximum surveillance interval due date (currently due July 17, 1995), for the subject penetration, be extended to coincide with the upcoming 1995 refueling outage, currently scheduled to commence October 1995, and remain in effect until the test is successfully performed.

10 CFR 50.12(a) provides the NRC a means of granting exemptions to the requirements of 10 CFR 50 if "special circumstances" are present and the exemptions, "authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security." On the basis of the information provided in the attachment, the District concludes that "special circumstances" exist which justify the requested exemption under the standards of 10 CFR 50.12(a). The attachment to this letter identifies those special circumstances that are present and that the requested exemption will not present an undue risk to public health and safety because the underlying intent of Appendix J will continue to be met.

If you have any questions, please call.

Sincerely,

G. R. Horn
Vice President - Nuclear

GRH/MJB/dnm
Attachment

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U.S. Nuclear Regulatory Commission

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cc: H. R. Borchert
Department of Health
State of Nebraska

Regional Administrator
USNRC Region IV

NRC Resident Inspector
Cooper Nuclear Station

NPG Distribution

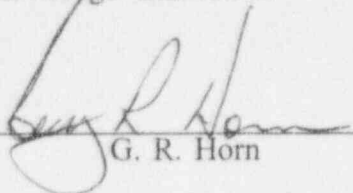
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STATE OF NEBRASKA)

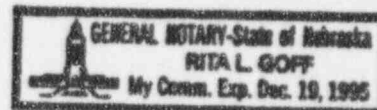
PLATTE COUNTY)

G. R. Horn, being first duly sworn, deposes and says that he is an authorized representative of the Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska; that he is duly authorized to submit this request on behalf of Nebraska Public Power District; and that the statements contained herein are true to the best of his knowledge and belief.


G. R. Horn

Subscribed in my presence and sworn to before me this 27th day of December, 1994.


NOTARY PUBLIC



COOPER NUCLEAR STATION
NRC DOCKET NO. 50-298
OPERATING LICENSE DPR-46
APPENDIX J SCHEDULAR EXEMPTION REQUEST
DRYWELL HEAD AND MANPORT

Exemption Request

In accordance with the requirements of 10 CFR 50.12(a), Nebraska Public Power District (District) requests a one-time schedular exemption from the specific requirements of Section III.D.2(a) for the Drywell Head and Manport (Penetration X-4) at Cooper Nuclear Station (CNS). The above identified section of Appendix J require that Type B local leak rate tests (LLRT) be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than two years. The District requests that the two-year maximum surveillance interval due date (currently due July 17, 1995), for the subject penetration, be extended to coincide with the upcoming 1995 refueling outage, currently scheduled to commence October 1995, and remain in effect until the test is successfully performed.

10 CFR 50.12 Analysis

10 CFR 50.12(a) provides the NRC a means of granting exemptions to the requirements of 10 CFR 50 if "special circumstances" are present and the exemptions, "authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security." On the basis of the information provided herein, the District concludes that the above identified exemption request is justified pursuant to 10 CFR 50.12(a)(1) and the "special circumstances" of 10 CFR 50.12(a)(2)(ii), (a)(2)(iii), and (a)(2)(v) in that:

- * This exemption will not present an undue risk to the public health and safety based on the following reasons:

- The drywell head and manport (X-4) have never failed an as found LLRT.

- The drywell head seal is made from a +45 to -5 durometer silicone rubber compound. Environmental conditions such as heat and radiation cause degradation in silicone compounds. It is reasonable to conclude that less degradation can be expected due to the extended shutdown and subsequent lower temperature and radiation levels experienced by the seals.

- The drywell head and manport penetrations are not active components, and therefore, are not subject to active failure criteria.

- * Application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

In this instance, application of the two year requirement does not serve the underlying purpose of the rule. The rule states that testing be conducted during reactor shutdown for refueling or other convenient intervals. CNS is currently in an extended forced outage in which refueling is not an activity currently planned. It is also not a convenient interval as the preparation required to perform the two Type B tests involves removing the shield blocks on the refueling floor, performing the tests, and replacing the shield

blocks. All of the preceding activities are normally performed during refueling outages.

It should also be noted that intent of the regulation is to assure performance of LLRT's after every two years of full power operation. CNS will not have operated at full power, due to the number and length of unplanned outages since 1993, for two years since the last set of tests were performed by the time the refueling outage is scheduled in October 1995. Thus, the time extension requested does not conflict with the intent of the regulation and deferring the Appendix J testing requirements until the next scheduled refueling outage October 1995, is appropriate.

- * Compliance with the regulation would result undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted.

The intent of the regulation is that the required testing be performed during normal refueling outages, except in some unusual situations when the two-year limit would apply. A requirement for shutdown to comply with the two-year testing requirement, even though the plant has not accumulated two full years of power operation, would result in undue hardship and excessive costs in the form of lost power availability during a period when power demand is expected to be at a seasonal high.

- * The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

The exemption is requested for a period extending from the current two-year interval due date of July 17, 1995 to a convenient time during the 1995 refueling outage. This extension is expected to be a maximum of only six months and is only necessary because of the circumstances which added to the length of the current fuel cycle. The District has exhibited diligence in performing the other required Type B and C tests during the current 1994 unplanned outage. The request is not the result of any negligence; the District has previously performed the tests during refueling outages as intended in the regulation.

Environmental Consideration

The proposed exemption to 10 CFR 50, Appendix J, Section III.D.2(a) changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR 20. The proposed one-time schedular exemption of the two-year surveillance interval to coincide with the 1995 refueling outage does not change, modify, or restrict existing plant safety limits, safety settings, or operations. Therefore, the District has determined that this exemption will not increase the probability of accidents, nor will it affect containment performance post-accident. The proposed exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and it involves no significant hazards consideration, and there is no significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed exemption 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 to be prepared in connection with the issuance of the exemption.

In summary, the District has concluded that the one-time schedular exemption request discussed above, is warranted under the standards of 10 CFR 50.12. The exemption is requested to remain in effect until the test is successfully performed during the 1995 refueling outage, which is currently scheduled to commence October 1995.