Nebraska Public Power District
Nebraska's Energy Leader

NLS2001002
January 2, 2001

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

Gentlemen:

Subject: Withdrawal of Proposed Technical Specification Change to Incorporate Generic Letter 99-02 Laboratory Testing Requirements for Nuclear-Grade Activated Charcoal
Cooper Nuclear Station, NRC Docket 50-298, DPR-46

References:

1. Nebraska Public Power District Letter (NLS2000018), from John H. Swailes to U. S. Nuclear Regulatory Commission dated March 17, 2000, "Proposed Change to the Cooper Nuclear Station Technical Specifications Incorporation of Generic Letter 99-02, Laboratory Testing of Nuclear-Grade Activated Charcoal"

2. Nebraska Public Power District Letter (NLS990122) from John H. Swailes to U.S. Nuclear Regulatory Commission, dated December 22, 1999, "Design Basis Accident Radiological Assessment Calculational Methodology Revision"

3. Nuclear Regulatory Commission Letter, from Lawrence J. Burkhart to J. H. Swailes (NPPD), dated April 7, 2000, "Cooper Nuclear Station - Issuance of Amendment on Design Basis Accident Radiological Assessment Calculational Methodology Revision (TAC No. MA7758)"

4. Nebraska Public Power District Letter (NLS990117), from John H. Swailes to U. S. Nuclear Regulatory Commission dated December 2, 1999, "Response to Generic Letter 99-02, 'Laboratory Testing of Nuclear-Grade Charcoal'"

Reference 1 transmitted the Technical Specification (TS) changes necessary for Nebraska Public Power District (District) to incorporate the recommendations of Generic Letter (GL) 99-02 for laboratory testing of nuclear-grade activated charcoal.

During a teleconference between S. R. Mahler (NPPD) and M. C. Thadani (NRC) on November 8, 2000, a mutual agreement was reached which concluded that the Amendment

General Office
1414 15th Street / P.O. Box 499 / Columbus, NE 68602-0499
***Telephone:** (402) 3564-8561 / **Fax:** (402) 563-5551*
www.nppd.com

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submitted under Reference 1 cannot be fully processed or implemented until approval of a permanent change to the Cooper Nuclear Station (CNS) design basis accident radiological assessment calculational methodology as discussed in Reference 3. The resolution of issues concerning the radiological assessment calculational methodology is currently expected to be submitted as a proposed CNS license amendment in January 2001.

Due to the interrelationship of the amendment requests, the District withdraws its request for approval of the amendment submitted under Reference 1. The District will resubmit a proposed license amendment related to the laboratory testing of nuclear-grade activated charcoal, by February 28, 2001.

The District requested in Reference 4, that the NRC exercise enforcement discretion consistent with Section VII.B.6 of the Enforcement Policy, as described in GL 99-02, to allow the District time to conduct laboratory testing of Engineered Safety Feature ventilation system charcoal samples per American Society for Testing and Materials (ASTM) D3803-1989 vice the current TS requirement to test per ASTM D3803-1979. While the District recognizes that the enforcement discretion discussed in the GL was contingent upon submitting a TS amendment request within 180 days of the issuance of GL 99-02, we conclude that the spirit of that condition was satisfied with the submittal of Reference 2. Although arguably untimely, the withdrawal and resubmittal of the proposed GL 99-02 TS change is being conducted in a logical manner with respect to the revised design basis accident radiological assessment calculational methodology license amendment submittal, which provides the basis for the methyl iodide penetration acceptance criteria contained in the proposed GL 99-02 TS change. In light of the basis for the delayed submittal, the District respectfully requests that the enforcement discretion discussed in GL 99-02 continue to be applied to CNS.

Should you have any questions concerning this matter, please contact Sharon Mahler at (402) 825-5236.

Sincerely,

John H. Swailes
Vice President of Nuclear Energy

/rar

cc: Regional Administrator
USNRC - Region IV

Senior Project Manager
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector
USNRC

Nebraska Department of Health and Human Services
Department of Regulation and Licensure

NPG Distribution

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Correspondence Number: NLS2001002

The following table identifies those actions committed to by the District in this document. Any other actions discussed in the submittal represent intended or planned actions by the District. They are described to the NRC for the NRC's information and are not regulatory commitments. Please notify the NL&S Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
The District will resubmit a proposed License Amendment related to laboratory testing of nuclear-grade activated charcoal by February 28, 2001.	February 28, 2001