



Nebraska Public Power District
Nebraska's Energy Leader

50.90

NLS2001017
April 12, 2001

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

Gentlemen:

Subject: Proposed License Amendment
Proposed Change to TS 5.5.10, Bases Control Program, due to new 10 CFR 50.59
Rule
Cooper Nuclear Station, NRC Docket 50-298, DPR-46

- Reference
1. Federal Register Volume 64, No. 191, pages 53584-53585 and 53599-53600 (New 10 CFR 50.59 Rule Excerpts)
 2. Industry Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF-364, Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59

In accordance with the provisions of 10 CFR 50.4 and 50.90, the Nebraska Public Power District (District) hereby submits a request for an amendment to License DPR-46 to change the Cooper Nuclear Station (CNS) Technical Specifications (TS). This proposed TS change will revise Specification 5.5.10.b.2 to replace the phrase, "A change to the updated USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59" with "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." This change is based on the changes to 10 CFR 50.59 published in the Federal Register (Volume 64, Number 191, Pages 53582-53617) dated October 4, 1999.

Attachment 1 contains the description of the TS change, basis for the change, attendant 10 CFR 50.92 no significant hazard consideration evaluation, and 10 CFR 50.22 environmental impact evaluation. Attachment 2 identifies the specific changes to the current TS on marked-up pages. Attachment 3 contains the final, clean versions of the affected TS pages.

This proposed TS change has been reviewed by the necessary safety review committees (Station Operations Review Committee and Safety Review and Audit Board) and incorporates all amendments to the CNS Facility Operating License through Amendment 185 issued March 13, 2001. By copy of this letter and its attachment, the appropriate State of Nebraska official is notified in accordance with 10 CFR 50.91 (b) (1). Copies to the NRC Region IV office and the CNS Resident Inspector are also being provided in accordance with 10 CFR 50.4 (b) (2).

General Office

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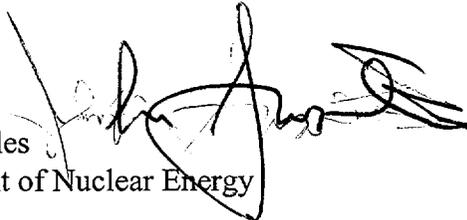
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Since this change is administrative in nature, approval of this request may be included with issuance of another OL or TS amendment.

Should you have any questions concerning this matter, please contact Mr. Michael Boyce (402) 825-5100.

Sincerely,

John H. Swailes
Vice President of Nuclear Energy



/elm
Attachments

cc: Regional Administrator w/ attachments
USNRC - Region IV

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

Senior Resident Inspector w/ attachments
USNRC

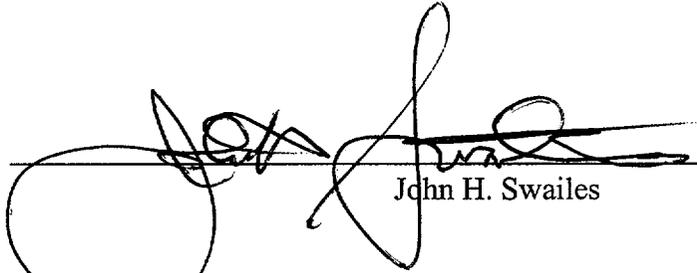
Nebraska Health and Human Services w/ attachments
Department of Regulation and Licensure

NPG Distribution w/o attachments

Records w/ attachments

STATE OF NEBRASKA)
)
NEMAHA COUNTY)

John H. Swailes, 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 correspondence on behalf of Nebraska Public Power District; and that the statements contained herein are true to the best of his knowledge and belief.

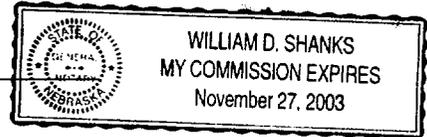


John H. Swailes

Subscribed in my presence and sworn to before me this 11 day of April, 2001.



NOTARY PUBLIC



**Proposed Change to TS 5.5.10, Bases Control Program,
due to new 10 CFR 50.59 Rule**

Cooper Nuclear Station, NRC Docket 50-298, DPR-46

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1.0 Introduction

This proposed Technical Specification (TS) change will revise specification TS 5.5.10.b.2 to replace the phrase, "A change to the updated USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59." with "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." This change is based on the changes to 10 CFR 50.59 published in the Federal Register (Volume 64, Number 191, Pages 53582-53617) dated October 4, 1999.

2.0 Discussion

10 CFR 50.59 establishes the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior Nuclear Regulatory Commission (NRC) approval.

In 1999, the NRC revised its regulation (Federal Register - Volume 64, Number 191, Pages 53582-53617, dated October 4, 1999) controlling changes, tests, and experiments performed by nuclear plant licensees. The changes were prompted by the need to resolve differences in interpretation of the rule's requirements by the industry and the NRC that came into clear focus in 1996. The rule changes had two principal objectives, both aimed at restoring much needed regulatory stability to this extensively used regulation:

- Establish clear definitions to promote common understanding of the rule's requirements;
- Clarify the criteria for determining when changes, tests, and experiments require prior NRC approval.

The changes approved by the Commission in 1999 made 10 CFR 50.59 more focused and efficient by:

- Providing greater flexibility to licensees, primarily by allowing changes that have minimal safety impact to be made without prior NRC approval.
- Clarifying the threshold for "screening out" changes that do not require full evaluation under 10 CFR 50.59, primarily by adoption of key definitions.

Proposed changes, tests, and experiments that satisfy the conditions of the rule must be reviewed and approved by the NRC before implementation.

As indicated above, the Bases Control program required by TS 5.5.10 allows Cooper Nuclear Station (CNS) to make changes to the Bases without NRC approval provided the change does not involve a change to the Updated Safety Analysis Report (USAR) or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59. With the revisions to 10 CFR 50.59, the definition of unreviewed safety question was eliminated. Therefore, the TS is being revised consistent with the revision to 10 CFR 50.59. The proposed change revises TS 5.5.10.b.2 to state, "a change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59."

3.0 Description of Changes

This TS change is being proposed in accordance with the Industry Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler TSTF-364.

CNS Technical Specification 5.5.10, Technical Specifications (TS) Bases Control Program, requires a program for processing changes to the Bases of the TS. TS 5.5.10.b states:

"Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:

1. A change in the TS incorporated in the license; or
2. A change to the updated USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59."

TS 5.5.10.b.2 will be revised to state, "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59" based on the changes to 10 CFR 50.59 published in the Federal Register (Volume 64, Number 191, Pages 53582-53617) dated October 4, 1999.

4.0 No Significant Hazards Consideration

The industry proposed a change to the Improved Technical Specifications, NUREG's 1430-1434, TS 5.5.14, Technical Specifications (TS) Bases Control Program, to provide consistency with the changes to 10 CFR 50.59 published in the Federal Register (Volume 64, Number 191, Pages 53582-53617) dated October 4, 1999. The CNS equivalent to the Improved Technical Specification TS 5.5.14 is TS 5.5.10, Technical Specifications (TS) Bases Control Program.

10 CFR 50.91 (a) (1) requires that licensee requests for operating license amendments be accompanied by an evaluation of significant hazard posed by issuance of an amendment. This evaluation is performed with respect to the criteria given in 10 CFR 50.92 (c).

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

The proposed change deletes the reference to unreviewed safety question as defined in 10 CFR 50.59. Deletion of the definition of unreviewed safety question was approved by the NRC with the revisions to 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in the margin of safety?

The proposed change will not reduce the margin of safety because it has no direct effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in revised 10 CFR 50.59 (c)(2) will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature as discussed by the NRC in FR (Volume 64, Number 191, Pages 53582-53617) dated October 4, 1999, docketing the change to 10 CFR 50.59. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

5.0 Environmental Impact Evaluation

10 CFR 51.22 (c)(9) provides criteria for, and identification of, licensing and regulatory actions eligible for categorical exclusion from performing an environmental assessment. A proposed amendment to an operating license for a facility does not require an environmental assessment if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant hazards consideration, (2) result in a significant change in the types or significant increase in the amount of any effluents that

may be released off-site, or (3) result in an increase in individual or cumulative occupational radiation exposure. The District has reviewed the proposed license amendment and concludes that it meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22 (c)(9). Pursuant to 10 CFR 51.22 (c), no environmental impact statement or environmental assessment needs to be prepared in connection with issuance of the proposed license changes. The basis for this determination is as follows:

1. The proposed license amendment does not involve significant hazards as described previously in the No Significant Hazards Consideration Evaluation.
2. As discussed in the No Significant Hazards Consideration Evaluation, this proposed change does not result in a significant increase in radiological doses for any Design Basis Accident. This proposed change does not result in a significant change in the types or significant increase in the amounts of any effluents that may be released off-site. The proposed license amendment does not introduce any new equipment, nor does it require any existing equipment or systems to perform a different type of function than they are presently designed to perform. The District has concluded that there will not be a significant increase in the types or amounts of any effluents that may be released off-site and these changes do not involve irreversible environmental consequences beyond those already associated with normal operation.
3. The change is administrative in nature. It does not adversely impact plant systems or operation, and therefore does not significantly increase individual or cumulative occupational exposure beyond that already associated with normal operation.

6.0 Conclusion

This proposed TS change will revise Specification 5.5.10.b.2 to replace the phrase, "A change to the updated USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59" with "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." This change is based on the changes to 10 CFR 50.59 published in the Federal Register (Volume 64, Number 191, Pages 53582-53617) dated October 4, 1999. The change is administrative in nature, and merely replaces the term "that involves an unreviewed safety question" with the phrase "requires approval by the NRC." Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. It does not involve a physical alteration of the plant or a change in the methods governing normal plant operation. Neither does it have a direct effect on any safety analyses assumptions. Therefore, the District concludes that the activities associated with the above described changes present no significant hazards consideration under the standards set forth in 10 CFR 50.92 and accordingly, a finding of no significant hazards consideration is justified.

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Attachment 1

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Similar amendments have been submitted to the NRC by Southern Nuclear Operating Company, Inc. for Edwin I Hatch Nuclear Plant, Units 1 and 2 (Docket Nos. 50-321 and 50-366), and for Vogtle Electric Generating Plant, Units 1 and 2 (Docket Nos. 50-424 and 50-425.) These appeared in the Federal Register / Vol. 65, No. 240/ Wednesday, December 13, 2000.

**Mark-up to show Specific Changes to
Existing Technical Specification 5.5.10**

Cooper Nuclear Station, NRC Docket 50-298, DPR-46

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5.5 Programs and Manuals

5.5.10 Technical Specifications (TS) Bases Control Program (continued)

2. ~~A change to the updated USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59. A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.~~
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the USAR.
- d. Proposed changes that meet the criteria of Specification 5.5.10.b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

5.5.11 Safety Function Determination Program (SFDP)

This program ensures loss of safety function is detected and appropriate actions taken. Upon entry into LCO 3.0.6, an evaluation shall be made to determine if loss of safety function exists. Additionally, other appropriate limitations and remedial or compensatory actions may be identified to be taken as a result of the support system inoperability and corresponding exception to entering supported system Condition and Required Actions. This program implements the requirements of LCO 3.0.6.

- a. The SFDP shall contain the following:
 1. Provisions for cross division checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;
 2. Provisions for ensuring the plant is maintained in a safe condition if a loss of function condition exists;
 3. Provisions to ensure that an inoperable supported system's Completion Time is not inappropriately extended as a result of multiple support system inoperabilities; and
 4. Other appropriate limitations and remedial or compensatory actions.
- b. A loss of safety function exists when, assuming no concurrent single failure, a safety function assumed in the accident analysis cannot be performed.

(continued)

**Clean copy of Propose Changes to
Technical Specification 5.5.10,
Bases Control Program**

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5.5 Programs and Manuals

5.5.10 Technical Specifications (TS) Bases Control Program (continued)

2. A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the USAR.
- d. Proposed changes that meet the criteria of Specification 5.5.10.b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

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