

October 25, 2001

Mr. David L. Wilson
Vice President of Nuclear Energy
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION - ISSUANCE OF AMENDMENT REVISING THE
TECHNICAL SPECIFICATIONS TO IMPLEMENT THE REVISED RULE 10 CFR
50.59 (TAC NO. MB1819)

Dear Mr. Wilson:

The Commission has issued the enclosed Amendment No. 188 to Facility Operating License No. DPR-46 for the Cooper Nuclear Station (CNS). The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated April 12, 2001.

The amendment changes CNS TSs to reflect the changes in 10 CFR 50.59 published in the *Federal Register* (64 FR 53582) dated October 4, 1999. Specifically the change revises 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 the phrase "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59."

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

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosures: 1. Amendment No. 188 to DPR-46
2. Safety Evaluation

cc w/encls: See next page

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NEBRASKA PUBLIC POWER DISTRICT

DOCKET NO. 50-298

COOPER NUCLEAR STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 188
License No. DPR-46

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nebraska Public Power District (the licensee) dated April 12, 2001, 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. 188, are hereby incorporated in the license. The licensee 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 from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert A. Gramm, Chief, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: October 25, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 188

FACILITY OPERATING LICENSE NO. DPR-46

DOCKET NO. 50-298

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

REMOVE
5.0-15

INSERT
5.0-15

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 188 TO FACILITY OPERATING LICENSE NO. DPR-46
NEBRASKA PUBLIC POWER DISTRICT
COOPER NUCLEAR STATION
DOCKET NO. 50-298

1.0 INTRODUCTION

By a letter dated April 12, 2001, Nebraska Public Power District (licensee) submitted a request for an amendment to License No. DRP-46 for Cooper Nuclear Station (CNS) regarding Technical Specification (TS) 5.5.10.b.2.

The licensee proposed to change the TS by replacing the phrase, "A change to the updated USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59" with phrase "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." The licensee stated that the requested change was based on the revision to 10 CFR 50.59 published in the *Federal Register* on October 4, 1999 (64 FR 53582).

2.0 BACKGROUND

The requirements of 10 CFR 50.59 establish the conditions under which licensees may make changes to the facility or procedures described in the Final Safety Analysis Report (FSAR), and conduct test or experiments not described in the updated FSAR, without prior NRC approval. The NRC revised its 10 CFR 50.59 and published the revisions in the *Federal Register* (64 FR 53582), on October 4, 1999. The rule clarified the specific types of changes, tests, and experiments conducted at a licensed facility that require evaluation under Section 50.59, and revised the criteria that licensees must use to determine when NRC approval is needed before such changes, tests, and experiments can be implemented. The final rule also added definitions for certain terms, and reorganized the rule language for clarity. Under the revised 10 CFR 50.59, proposed changes, tests, and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

3.0 EVALUATION

The proposed change to 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 phrase "A change to the updated USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59" is based on the changes to 10 CFR 50.59 published by the NRC in the *Federal Register* (64 FR 53582) on October 4, 1999. The changes to the TS Bases will continue to be evaluated in accordance with 10 CFR 50.59. The proposed TS revision is consistent with the NRC revision to 10 CFR 50.59 and is, therefore, acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Nebraska State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR Section 51.22(c)(10). 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 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.

Principal Contributor: Mohan Thadani

Date: October 25, 2001

Cooper Nuclear Station

cc:

Mr. G. R. Horn
Sr. Vice President of Energy Supply
Nebraska Public Power District
1414 15th Street
Columbus, NE 68601

Mr. John R McPhail, General Counsel
Nebraska Public Power District
P. O. Box 499
Columbus, NE 68602-0499

D. F. Kunsemiller, Risk and
Regulatory Affairs Manager
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321

Dr. William D. Leech
Manager-Nuclear
MidAmerican Energy
907 Walnut Street
P. O. Box 657
Des Moines, IA 50303-0657

Mr. Ron Stoddard
Lincoln Electric System
1040 O Street
P. O. Box 80869
Lincoln, NE 68501-0869

Mr. Michael J. Linder, Director
Nebraska Department of Environmental
Quality
P. O. Box 98922
Lincoln, NE 68509-8922

Chairman
Nemaha County Board of Commissioners
Nemaha County Courthouse
1824 N Street
Auburn, NE 68305

Ms. Cheryl K. Rogers, Program Manager
Nebraska Health & Human Services System
Division of Public Health Assurance
Consumer Services Section
301 Centennial Mall, South
P. O. Box 95007
Lincoln, NE 68509-5007

Mr. Ronald A. Kucera, Director
of Intergovernmental Cooperation
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 218
Brownville, NE 68321

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Jerry Uhlmann, Director
State Emergency Management Agency
P. O. Box 116
Jefferson City, MO 65101

Chief, Radiation Control Program, RCP
Kansas Department of Health
and Environment
Bureau of Air and Radiation
Forbes Field Building 283
Topeka, KS 66620