

November 16, 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 TO DELETE
OPERATING LICENSE (OL) CONDITION 2.D, AND REVISE THE TECHNICAL
SPECIFICATIONS (TS) TO REMOVE DEPICTION OF RAILROAD TRACKS IN
TS FIGURE 4.1-1. (TAC NO. MB1418)

Dear Mr. Wilson:

The Commission has issued the enclosed Amendment No. 190 to Facility Operating License No. DPR-46 for the Cooper Nuclear Station. The amendment consists of deletion of OL Condition 2.D, and revision to the TSs to remove depiction of railroad tracks in TS Figure 4.1-1, in response to your application dated February 15, 2001.

The NRC staff has concluded that your proposed actions are acceptable, as the deletion of OL Condition 2.D is an administrative change resulting from the previous amendments, and the revision of TS Figure 4.1-1 is also equivalent to an administrative change since this rail spur by itself has no plant operational or safety-related function.

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/

Girija S. Shukla, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosures: 1. Amendment No. 190 to DPR-46
2. Safety Evaluation

cc w/encls: See next page

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*See attached SE

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Cooper Nuclear Station

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NEBRASKA PUBLIC POWER DISTRICT

DOCKET NO. 50-298

COOPER NUCLEAR STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 190
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 February 15, 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 Operating License and 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. 190 , are hereby incorporated in the license. The Nebraska Public Power District 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 Operating License
and Technical Specifications

Date of Issuance: November 16, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 190

FACILITY OPERATING LICENSE NO. DPR-46

DOCKET NO. 50-298

Replace the following pages of the Facility Operating License No. DPR-46 and Appendix A, Technical Specifications, with the attached revised pages as indicated. The revised pages are identified by amendment number and contains marginal lines indicating the areas of change.

REMOVE

Operating License

4

Technical Specification

4.0-3

INSERT

Operating License

4

Technical Specification

4.0-3

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 190 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 February 15, 2001, Nebraska Public Power District (the licensee) submitted a request for an amendment to license No. DPR-46 for Cooper Nuclear Station (CNS). The license amendment request involves (1) deletion of Operating License (OL) Condition 2.D, "Additional Conditions for Protection of the Environment," and (2) removal of depiction of railroad tracks in Technical Specifications (TS) Figure 4.1-1, "Site and Exclusion Area Boundaries and Low Population Zone."

2.0 BACKGROUND

The requirements of OL Condition 2.D are obsolete, having been satisfied by earlier modifications from previous amendments. Thus, its deletion from the OL is warranted as an administrative change. The first sentence of OL Condition 2.D required modifications to liquid and gaseous radiological effluent handling systems as described in Final Safety Analysis Report (FSAR) Amendment 18. FSAR Amendment 38 of March 3, 1977, reflected completion of those modifications. The second sentence, required release limits of OL Appendix B until the modifications were complete. Although it was moot after installing the modifications of offgas and radwaste systems in 1977 (FSAR Amendment 38), this condition remained in the OL. On July 1, 1986, OL Amendment 89 deleted Appendix B, Radiological Technical Specifications, in its entirety. Once Appendix B was deleted, the reference in the second sentence became obsolete.

The rail line depicted in Figure 4.1-1 is a spur from the rail line to the CNS site that was used to provide transportation of heavy freight into and from the site. After initial plant licensing, the rail line leading to and extending beyond the spur was removed by the Burlington-Northern Railroad. By 1991, the last portion of the rail line had been abandoned. This left the spur leading into the plant abandoned in place serving no further purpose for access to the plant. It has no plant operational or safety-related function, and it does not interface with any

safety-related plant structures, systems, or components (SSC's). The abandoned spur crosses the protected area perimeter fence passing under it at 3 points. Inside the protected area one branch of the spur enters the reactor building at the railroad air lock door. No current requirements for this spur exist. The licensee's business interests have found a use for the portion of the abandoned rail spur outside the protected area, and its eventual removal is desired.

3.0 EVALUATION

OL Condition 2.D, "Additional Conditions for Protection of the Environment," is obsolete and has been satisfied by modifications from previous amendments to the FSAR and OL. This proposed change to delete OL Condition 2.D is administrative in nature. It does not adversely impact plant systems or operations. The NRC staff finds this change to be acceptable.

The other proposed change is to revise TS Figure 4.4-1, "Site and Exclusion Area Boundaries and Low Population Zone," to remove the depiction of railroad tracks along the main entrance road and into the plant and would change the text font within the figure for readability.

Section 10 CFR 50.36(c)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR) identifies Design features to be included in TSs as those features of the facility such as materials of construction and geometric arrangements, which, if altered or modified, would have a significant effect on safety and are not covered in categories described in paragraphs (c)(1), "Safety limits, limiting safety system settings, and limiting control settings;" (c)(2), "Limiting conditions for operation; and (c)(3), "Surveillance requirements."

The rail spur, shown on Figure 4.4-1 and referenced from TS 4.1.1 and 4.1.2 within Design features, is not a design feature that if altered or modified would have a significant effect on safety because it does not interface with any safety-related SSCs or perform any safety-related function.

The abandoned spur crosses the protected area perimeter fence passing under it at 3 points, but does not impede or interfere with any physical security functions. Inside the protected area one branch of the spur enters the reactor building at the railroad airlock doors, but does not impede or interfere with secondary containment integrity. This change has no significant effect on safety since this rail spur has no plant operational or safety-related function itself, and it does not interfere with any safety-related plant SSC. As such, it does not impact any safety features, systems, or updated safety analysis report accident analyses. The request to remove the railroad spur from the TS figure is equivalent to an administrative change. The NRC staff finds this change to be acceptable.

3.1 Finding

The NRC staff has reviewed the licensee's amendment request to delete OL Condition 2.D which has become obsolete due to previous amendments. Thus, this change is warranted as an administrative change. The other proposed change in the amendment request is to remove the depiction of a railroad track in TS Figure 4.1-1 and change the text font within the figure. The rail line is no longer used and serves no plant operational or safety function. The approval of this amendment will allow its eventual removal. Based on the above review, the NRC staff concluded that these proposed changes either reflect changes already approved by FSAR and OL Amendments, or has no plant operational or safety-related function. Therefore, these proposed changes are 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 a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (66 FR 34285). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR Section 51.22(c)(9). 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.

Contributor: Angela T. Chu

Date: November 16, 2001