



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

September 26, 1988

*Docket*

Docket No. 50-298

Mr. George A. Trevors, Division  
Manager - Nuclear Support  
Nebraska Public Power District  
P. O. Box 499  
Columbus, Nebraska 68601

Dear Mr. Trevors:

SUBJECT: COOPER NUCLEAR STATION - ENVIRONMENTAL ASSESSMENT AND FINDING OF  
NO SIGNIFICANT IMPACT - TEMPORARY EXEMPTION FROM THE SCHEDULAR  
REQUIREMENTS OF THE PROPERTY INSURANCE RULE EFFECTIVE OCTOBER 4, 1988.  
(10 CFR 50.54(w)(5)(i))

On August 5, 1987, the NRC published in the Federal Register a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose.

Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be completed by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

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Mr. George A. Trevors

-2-

Enclosed is an Environmental Assessment and Finding of No Significant Impact relating to a temporary exemption from 10 CFR 50.54(w)(5)(i) for the Cooper Nuclear Station.

This assessment is being forwarded to the Office of Federal Register for publication.

Sincerely,

151

Paul W. O'Connor, Project Manager  
Project Directorate - IV  
Division of Reactor Projects - III,  
IV, V and Special Projects

Enclosure:  
Environmental Assessment

cc w/enclosure:  
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Mr. George A. Trevors

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This assessment is being forwarded to the Office of Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, appearing to read "PO'Connor / for".

Paul W. O'Connor, Project Manager  
Project Directorate - IV  
Division of Reactor Projects - III,  
IV, V and Special Projects

Enclosure:  
Environmental Assessment

cc w/enclosure:  
See next page

Mr. George A. Trevors  
Nebraska Public Power District

Cooper Nuclear Station

cc:

Mr. G. D. Watson, General Counsel  
Nebraska Public Power District  
P. O. Box 499  
Columbus, Nebraska 68601

Cooper Nuclear Station  
ATTN: Mr. Guy R. Horn, Division  
Manager of Nuclear Operations  
P. O. Box 98  
Brownville, Nebraska 68321

Dennis Grams, Director  
Nebraska Department of Environmental  
Control  
P. O. Box 98922  
Lincoln, Nebraska 68509-8922

Mr. Larry Bohlken, Chairman  
Nemaha County Board of Commissioners  
Nemaha County Courthouse  
1824 N Street  
Auburn, Nebraska 68305

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

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

Mr. Harold Borchart, Director  
Division of Radiological Health  
Department of Health  
301 Centennial Mall, South  
P. O. Box 95007  
Lincoln, Nebraska 68509-5007

UNITED STATES NUCLEAR REGULATORY COMMISSIONNEBRASKA PUBLIC POWER DISTRICTCOOPER NUCLEAR STATIONDOCKET NO. 50-298ENVIRONMENTAL ASSESSMENT AND FINDING OFNO SIGNIFICANT IMPACTCONCERNING EXEMPTION FROM10 CFR 50.54(w)(5)(i)

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(w)(5)(i) to Nebraska Public Power District (the licensee) for the Cooper Nuclear Station, located at the licensee's site in Nemaha County, Nebraska.

ENVIRONMENTAL ASSESSMENTIdentification of Proposed Action:

On August 5, 1987, the NRC published in the FEDERAL REGISTER a final rule amending 10 CFR 50.54(w). The rule increased the amount of on-site property damage insurance required to be carried by NRC's power reactor licensees. The rule also required these licensees to obtain by October 4, 1988 insurance policies that prioritized insurance proceeds for stabilization and decontamination after an accident and provided for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose. Subsequent to publication of the rule, the NRC has been informed by insurers who offer nuclear property insurance that, despite a good faith effort to obtain trustees required by the rule, the decontamination priority and trusteeship

provisions will not be able to be incorporated into policies by the time required in the rule. In response to these comments and related petitions for rulemaking, the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be effective by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

The Need for The Proposed Action:

The exemption is needed because insurance complying with requirements of 10 CFR 50.54(w)(5)(i) is unavailable and because the temporary delay in implementation allowed by the exemption and associated rulemaking action will permit the Commission to reconsider on its merits the trusteeship provision of 10 CFR 50.54(w)(4).

Environmental Impacts of the Proposed Action:

With respect to radiological impacts on the environment, the proposed exemption does not in any way affect the operation of licensed facilities. Further, as noted by the Commission in the Supplementary Information accompanying the proposed rule, there are several reasons for concluding that delaying for a reasonable time the implementation of the stabilization and decontamination priority and trusteeship provisions of Section 50.54(w) will not adversely affect protection of public health and safety. First, during the

period of delay, the licensee will still be required to carry \$1.06 billion insurance. This is a substantial amount of coverage that provides a significant financial cushion to licensees to decontaminate and clean up after an accident even without the prioritization and trusteeship provisions. Second, nearly 75% of the required coverage already is prioritized under the decontamination liability and excess property insurance language of the Nuclear Electric Insurance Limited-II policies. Finally, there is only an extremely small probability of a serious accident occurring during the exemption period. Even if a serious accident giving rise to substantial insurance claims were to occur, NRC would be able to take appropriate enforcement action to assure adequate cleanup to protect public health and safety and the environment.

The proposed exemption does not affect radiological or nonradiological effluents from the site and has no other nonradiological impacts.

Alternatives to the Proposed Action:

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources:

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted:

The staff did not consult other agencies or persons in connection with the proposed exemption.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For information concerning this action, see the proposed rule (53 FR 36338), and the exemption which is being processed concurrent with this notice. A copy of the exemption will be available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C., and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland this 26th day of September , 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



David L. Wigginton, Acting Director  
Project Directorate - IV  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation