

April 26, 1993

Docket No. 50-298

Mr. Guy R. Horn
Nuclear Power Group Manager
Nebraska Public Power District
Post Office Box 499
Columbus, Nebraska 68602-0499

Dear Mr. Horn:

SUBJECT: EXIGENT TECHNICAL SPECIFICATION CHANGE - DELETION OF COOPER NUCLEAR STATION TECHNICAL SPECIFICATION 3/4.5.H, "ENGINEERED SAFEGUARDS COMPARTMENTS COOLING"

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing," to the Office of the Federal Register for publication.

This notice relates to your April 23, 1993, application to delete Technical Specification 3/4.5.H, "Engineered Safeguards Compartments Cooling," from the Cooper Nuclear Station Technical Specifications.

Sincerely,

ORIGINAL SIGNED BY:

Harry Rood, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
Notice of Consideration
of Issuance

cc w/enclosure:
See next page

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

April 26, 1993

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Nebraska Public Power District
Post Office Box 499
Columbus, Nebraska 68602-0499

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Sincerely,

A handwritten signature in cursive script that reads "Harry Rood".

Harry Rood, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
Notice of Consideration
of Issuance

cc w/enclosure:
See next page

Mr. Guy R. Horn
Nuclear Power Group Manager

Cooper Nuclear Station

cc:

Mr. G. D. Watson, General Counsel
Nebraska Public Power District
P. O. Box 499
Columbus, Nebraska 68602-0499

Cooper Nuclear Station
ATTN: Mr. John M. Meacham
Site Manager
P. O. Box 98
Brownville, Nebraska 68321

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

Mr. Richard Moody, 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

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U.S. Nuclear Regulatory Commission
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Arlington, Texas 76011

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONCOOPER NUCLEAR STATIONDOCKET NO. 50-298NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Station (CNS), located in Nemaha County, Nebraska.

The proposed amendment would remove Section 3/4.5.H, "Engineered Safeguards Compartments Cooling," and the associated Bases section from the CNS Technical Specifications (TS). These requirements are redundant to the definition of OPERABILITY in the CNS TS, which requires that all necessary attendant instrumentation, controls, normal and emergency electrical power sources, cooling or seal water, lubrication or other auxiliary equipment that are required for a safety-related system to perform its safety function are also capable of performing their related support function(s). Therefore, removal of TS 3/4.5.H will not adversely affect the assurance of Emergency Core Cooling System pump operability, and will make the CNS TS consistent with the Boiling Water Reactor (BWR) Standard Technical Specifications in this regard.

During the performance of the licensee's ongoing Design Basis Reconstitution Program, the licensee determined that under certain accident

conditions (a pipe break postulated to occur in the Core Spray System discharge line, combined with a loss of off-site power and with a failure of one Emergency Diesel Generator), there could be fewer than the required number of low-pressure Emergency Core Cooling System (ECCS) pumps available to respond to the accident than was assumed in the CNS accident analysis. This scenario would occur, in part, as a result of the loss of the Engineered Safeguards Compartment Coolers that are powered by the Emergency Diesel Generator that is assumed to fail.

Although the licensee is currently making a plant design change to ensure the operability of the residual heat removal (RHR) pumps without the RHR pump area coolers, the CNS TS still require these coolers to be "in service," hence, OPERABLE; otherwise the associated pumps, in this case the RHR pumps, must be declared INOPERABLE. However, the plant design change will allow the RHR pumps to perform their safety function and thus be OPERABLE without the coolers being in service. Thus, without approval of this proposed change, the required number of ECCS pumps needed for ASME Class I pressure testing and for plant operation would not be available and plant startup could not occur.

The licensee has stated that the proposed TS change is needed prior to Class I ASME pressure testing and reactor startup following the current refueling outage, currently scheduled for May 10, 1993. Thus, the Commission must act quickly and time does not permit the publication of a FEDERAL REGISTER notice allowing 30 days for prior public comment.

As stated above, the need for the proposed TS change was found during the course of the licensee's ongoing Design Basis Reconstitution effort. This situation was identified and reported to the NRC under 10 CFR 50.72 on

March 26, 1993, and thus could not have been submitted in a more timely manner so as to avoid an exigent TS change.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

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

Evaluation

The proposed Technical Specification changes associated with removal of the Limiting Conditions for Operation and Surveillance Requirements for the Engineered Safeguards Compartments Cooling do not constitute a significant increase in the probability or consequences of an accident previously evaluated. These area coolers provide cooling for the Emergency Core Cooling System (ECCS) pumps, and were originally provided in the CNS plant design to ensure that the ECCS pump areas were maintained below a specified temperature to ensure operability of the ECCS pumps. The District is currently performing a design change to improve the natural air circulation characteristics in the RHR pump areas which will eliminate the need for these coolers to assure RHR pump operability.

The removal of the Technical Specifications associated with the ECCS pump unit coolers will not impact the determination of operability for those pumps which will still require the coolers to assure operability, namely the Core Spray System pumps, and the HPCI [high-pressure coolant injection] and RCIC [reactor core isolation coolant] pumps. These specifications were included in the original version of the Technical Specifications when CNS was licensed. Since that time, the definition of OPERABILITY in the CNS Technical Specifications was revised with Amendment No. 99 to include the following requirements:

"...all attendant instrumentation, controls, normal and emergency electrical power sources...cooling or seal water, lubrication or other auxiliary equipment that are required for the system, subsystem, train, component or device to perform its function(s) are also capable of performing their related support function(s)."

Therefore, the presence of dedicated Technical Specifications for the ECCS pump area coolers are not required and are redundant to the existing Technical Specification requirements for the ECCS, given the above definition of OPERABILITY. For those areas which will still require the area coolers to assure pump operability (Core Spray, HPCI, and RCIC areas), the definition of OPERABILITY will provide the necessary controls, and appropriate actions will be taken in accordance with their individual Technical Specifications should their area coolers become inoperable for any reason.

Based on the above discussion, the requirement for adequate equipment cooling will still be maintained within the CNS Technical Specifications to ensure operability of the ECCS. The design change being performed will ensure that an adequate number of RHR pumps will remain available to respond to the postulated Core Spray System line break accident. Further, the ECCS pump area coolers will continue to be surveillance tested and maintained through plant procedural controls. Therefore, this change will not result in a significant increase in the consequences of an accident previously evaluated. The physical plant changes being made to correct this situation consists of removing the RHR pump compartment hatches, replacing the hatches with grating, and providing curbing around the hatch opening to eliminate flooding concerns. These changes do not impact plant piping, instrumentation and controls, or other components. Review and evaluation under the District's design change process has determined that the design changes associated with this amendment request will not result in a significant increase in the probability of an accident previously evaluated.

2. Does the proposed change create the possibility for a new or different kind of accident from any accident previously evaluated?

Evaluation

This proposed change will only remove requirements from the CNS Technical Specifications which are redundant to other controls already provided for within the CNS Technical Specifications. These controls are provided in Section 1.0.N of the Definitions portion of the CNS Technical Specifications, which require that all attendant support systems or components necessary for a given system or component to perform its function are also capable of performing their related support functions. Therefore, this change to the CNS Technical Specifications will only remove a redundant requirement. In addition, plant procedural controls will ensure that the ECCS area coolers will continue to be adequately surveillance tested and maintained.

The plant change associated with this proposed Technical Specification change consists of removal of the RHR compartment equipment hatches to provide for improved natural circulation cooling. No changes to plant piping or instrumentation and controls are associated with this design change. These changes have been evaluated under the District's design change process which has determined that these physical modifications will not create the possibility for a new or different kind of accident from those previously evaluated.

3. Does the proposed change create a significant reduction in the margin of safety?

Evaluation

The proposed Technical Specifications changes will not create a significant reduction in the margin of safety. Section 3.5.H and 4.5.H, and their associated Bases section are redundant to the controls provided in the CNS Technical Specifications Definitions section for the determination of operability. Therefore, their removal from the CNS Technical Specifications will not create a reduction in equipment availability and will not create a significant reduction in the margin of safety. The physical plant changes associated with this proposed Technical Specifications change will remove an ECCS pump operability concern, and will therefore, not create a significant reduction in the margin of safety.

ADDITIONAL BASIS FOR NO SIGNIFICANT HAZARDS DETERMINATION

The definition of OPERABILITY in the CNS Technical Specifications is consistent with the corresponding definition of OPERABILITY provided in the BWR/4 Standard Technical Specifications (NUREG-1433). This document was the result of extensive development and review by both

the NRC Staff and the industry. These Standard Technical Specifications do not contain dedicated requirements for secondary plant support systems, including ECCS pump area coolers. This support function is accounted for within the definition of OPERABILITY as given within the Standard Technical Specifications. This proposed change would move CNS more in line with the Standard Technical Specifications in this respect.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days of the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission,

Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 17, 1993 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is

aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

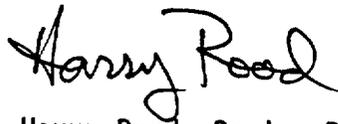
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John Pellet, Acting Director, Project Directorate 4-1, U.S. Nuclear Regulatory Commission, Washington DC, 20555: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. G. D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68602-00499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 23, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 27th day of April 1993.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Harry Rood".

Harry Rood, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation