

Mr. Guy R. Horn  
 Vice President - Nuclear  
 Nebraska Public Power District  
 Post Office Box 98  
 Brownville, Nebraska 68321

December 27, 1994

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT - PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING - COOPER NUCLEAR STATION

Dear Mr. Horn:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendment dated December 22, 1994, which requested a change to the Technical Specifications to make the definition of limiting conditions for operation consistent with the guidance provided in NRC Generic Letter 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications on the Applicability of Limiting Conditions for Operation and Surveillance Requirements."

Sincerely,

Original signed by William D. Beckner for  
 James R. Hall, Senior Project Manager  
 Project Directorate IV-1  
 Division of Reactor Projects III/IV  
 Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosure: As stated

cc w/encl: See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

December 27, 1994

Mr. Guy R. Horn  
Vice President - Nuclear  
Nebraska Public Power District  
Post Office Box 98  
Brownville, Nebraska 68321

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT - PROPOSED NO  
SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY  
FOR HEARING - COOPER NUCLEAR STATION

Dear Mr. Horn:

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Sincerely,

*William D. Bohan*  
JR GRH

James R. Hall, Senior Project Manager  
Project Directorate IV-1  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosure: As stated

cc w/encl: See next page

Mr. Guy R. Horn  
Nebraska Public Power Company

Cooper Nuclear Station

cc:

Mr. G. D. Watson, General Counsel  
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Columbus, Nebraska 68602-0499

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Lincoln, Nebraska 68508

Nebraska Public Power District  
ATTN: Mr. John Mueller, Site Manager  
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Brownville, Nebraska 68321

Midwest Power  
ATTN: James C. Parker, Sr. Engineer  
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Des Moines, Iowa 50303

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Lincoln, Nebraska 68509-8922

Nebraska Public Power District  
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Licensing & Safety Manager  
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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  
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Mr. Harold Borchert, Director  
Division of Radiological Health  
Nebraska Department of Health  
301 Centennial Mall, South  
P. O. Box 95007  
Lincoln, Nebraska 68509-5007

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONNEBRASKA PUBLIC POWER DISTRICTDOCKET 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 is a Line Item Technical Specifications Improvement and would revise the CNS Technical Specifications, definition 1.0.J, concerning entering an operational condition consistent with the wording proposed in NRC Generic Letter 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications on the Applicability of Limiting Conditions for Operation and Surveillance Requirements," dated June 4, 1987.

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.

The Commission has made a proposed determination 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 license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Evaluation

The proposed change does not affect plant operation or the design. The change provides specific applicability requirements to the Limiting Conditions for Operation (LCO). The proposed change incorporates only those applicability requirements and exceptions denoted by Generic Letter 87-09, concerning entering an operational condition. Invoking the proposed change in LCO definition does not impact nor alter any LCO Action Requirements in the Technical Specifications. Those LCO Action Statements which do not require shutdown provide acceptable compensatory safety measures for the affected function, and therefore, operational conditions need not be restricted further. Since conformance to these LCO Action Requirements provide an acceptable level of safety for continued operation of the facility, entry into an operational condition or other specified conditions would not increase the probability or consequences of an accident as long as the remedial Action Requirements are met.

Furthermore, the proposed change does not affect any accident or safety analysis event initiator as analyzed in the Updated Safety Analysis Report (USAR), nor involve any modification to equipment. The proposed change is administrative in nature and primarily serves to provide plant personnel with clear guidance regarding compliance with LCOs and Action Requirements under all operating conditions. Therefore, no significant increase in the probability or consequences of an accident previously analyzed would occur.

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

Evaluation

The proposed change does not affect any equipment design or configuration, nor does the change introduce a new mode of operation therefore, no new or different type of failures are created. The proposed change serves to strengthen the existing Cooper Nuclear Station (CNS) Technical Specifications (TS) requirements by eliminating some areas of confusion and interpretation, and providing a clear statement of the specification's (1.0.J) intent. The proposed change will ensure that appropriate administrative requirements are invoked prior to any change in an operational condition.

The proposed change does not affect the testing methodology for any systems. There will be no change in the types or increase in the amount of effluents released offsite. Since there are no changes to the function, operation, or surveillance test methodology of any system, equipment, or component, the possibility of a new or different kind of accident is not created.

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

Evaluation

The proposed change does not reduce the margin of safety because it has no impact on any safety analysis assumption. The proposed change clarifies the LCO definition concerning entry into an operational condition. The proposed change ensures that the appropriate administrative requirements are met prior to any change in an operational condition. The proposed change serves to strengthen the philosophy of compliance with the Technical Specifications. The change is administrative in nature and provides explanatory information which does not impact any safety analysis. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

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 30 days after 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 30-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 30-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 and provide for opportunity for a hearing after 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 6D22, Two White Flint North, 11545 Rockville Pike, Rockville 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.

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

By February 2, 1995, 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 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 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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, 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 William D. Beckner: 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 68602-0499, attorney for the licensee.

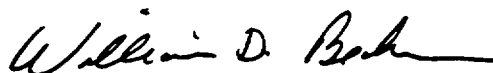
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 December 22, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building,

2120 L Street, NW., Washington, DC 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 December 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



William D. Beckner, Director  
Project Directorate IV-1  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation