

July 11, 2002

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

SUBJECT: COOPER NUCLEAR STATION (CNS) - REQUEST FOR EMERGENCY  
PROCESSING OF PROPOSED LICENSE AMENDMENT REQUESTS FOR  
EMERGENCY CORE COOLING SYSTEM (ECCS) PUMP NET POSITIVE  
SUCTION HEAD (NPSH) REQUIREMENTS AND ULTIMATE HEAT SINK (UHS)  
AND REACTOR EQUIPMENT COOLING (REC) WATER TEMPERATURE  
REQUIREMENTS (TAC NOS. MB2896 AND MB5123)

Dear Mr. Wilson:

This is in response to your letter dated July 3, 2002, in which you requested emergency processing of two license amendment requests submitted on July 30, 2001, and May 20, 2002, by the Nebraska Public Power District (NPPD). By letter dated July 30, 2001, you requested an amendment for the ECCS pump NPSH requirements and by letter dated May 20, 2002, you requested an amendment for the UHS and REC water temperature requirements.

In your letter of July 3, 2002, you provided the following rationale for your request for emergency processing of your two license amendment requests. You stated that the current situation at CNS satisfies the criteria for an emergency as outlined in Regulation 50.91(a)(5) of Title 10 of the *Code of Federal Regulations* (10 CFR) in that CNS Technical Specifications (TSs) 3.7.2 and 3.7.3 require a hot shutdown of the plant in 12 hours and cold shutdown of the plant in 36 hours in the event the temperature of the Missouri River, the UHS for CNS, exceeds the TS temperature limit (90°F) or REC water temperature exceeds TS limit (95°F). You stated that this emergency situation is caused by environmental factors beyond the control of NPPD. During the evening of June 30, 2002, the temperature of the Missouri River exceeded 85°F. You indicated that taking the uncertainty of the permanent instrumentation into account, the plant staff must begin to take action at 87°F to place the plant in shutdown. You concluded that the combination of natural phenomena and the standard regulatory process (30-day public comment period for the NPSH amendment) could result in an unwarranted plant shutdown.

The regulation 10 CFR 50.91(a)(5) requires licensees to "explain why this emergency situation occurred and why it could not avoid this situation." Your letter of July 3, 2002, did not address why the emergency could not be avoided. Therefore, the NRC staff determined not to act on your request pursuant to 10 CFR 50.91(a)(5), as requested in your letter. However, the staff has also determined that for safe continued operation of CNS, the licensee and the Commission must act quickly, and the time does not permit the Commission to wait for the 30 days of comment period for prior public comment. Therefore, the staff is processing the two amendments concerned on an exigent basis outlined in 10 CFR 50.91(a)(6).

David L. Wilson

- 2 -

If you have any questions, please contact Mohan Thadani at (301) 415-1476 or Robert Gramm at (301) 415-1302.

Sincerely,

/RA by Robert A. Gramm for/

William H. Ruland, Director  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

David L. Wilson

- 2 -

If you have any questions, please contact Mohan Thadani at (301) 415-1476 or Robert Gramm at (301) 415-1302.

Sincerely,

/RA by Robert A. Gramm for/

William H. Ruland, Director  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

DISTRIBUTION

PUBLIC

PDIV-1 RF

RidsNrrDlpmLpdiv (WRuland)

RidsNrrPmMThadani

RidsNrrLAMMcAllister

RidsOgcRp

RidsAcrcAcnwMailCenter

RidsRgn4MailCenter (KBrockman)

RidsNrrDlpmPdiv1 (RGramm)

JTatum

Accession Number: ML021900223

OFFICE	PDIV-1/PM	PDVI-1/LA	PDIV-1/SC
NAME	MThadani	MMcAllister	RGramm
DATE	7/11/02	7/11/02	7/11/02

OFFICE	Region IV	PDIV/PD
NAME	KBrockman per Nadir	RGramm for WRuland
DATE	7/10/02	7/11/02

OFFICIAL RECORD COPY

Cooper Nuclear Station

cc:

Mr. William R. Mayben  
President and Chief Executive Officer  
Nebraska Public Power District  
1414 15<sup>th</sup> Street  
Columbus, NE 68601

Mr. Michael T. Coyle  
Site Vice President  
Nebraska Public Power District  
P. O. Box 98  
Brownville, NE 68321

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  
1000 SW Jackson  
Suite 310  
Topeka, KS 66612-1366

Mr. Daniel K. McGhee  
Bureau of Radiological Health  
Iowa Department of Public Health  
401 SW 7<sup>th</sup> Street  
Suite D  
Des Moines, IA 50309