



**Nebraska Public Power District**  
*Nebraska's Energy Leader*

NLS2002064  
July 10, 2002

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555-0001

Subject: Proposed License Amendment  
Revision to Operating License, Section 2.C.(4), Fire Protection  
Cooper Nuclear Station, NRC Docket 50-298, DPR-46

Reference: 1. NRC Generic Letter 86-10, "Implementation of Fire Protection  
Requirements," dated April 24, 1986.  
2. NRC letter dated May 23, 1979, from Thomas A. Ippolito, USNRC, to  
J. M. Pilant, Nebraska Public Power District, issuing Amendment No. 56 to  
License DPR-46, "Fire Protection Program."

The purpose of this letter is to request an amendment to License DPR-46 to change the Cooper Nuclear Station (CNS) Operating License (OL) pursuant to 10 CFR 50.4 and 50.90. This proposed change will replace OL Section 2.C.(4) with the standard OL condition of Generic Letter (GL) 86-10, Section F, adapted to CNS. It will require the Nebraska Public Power District (NPPD) to implement and maintain in effect the approved Fire Protection (FP) program as described in the Updated Safety Analysis Report (USAR) subject to the provisions described in GL 86-10. For CNS, this would replace the current license condition requirement for NPPD to implement the administrative controls identified in Section 6 of the Safety Evaluation (SE) for Amendment 56, and replace the requirement with a standard license condition.

The attached No Significant Hazards Consideration evaluation concludes that the license amendment requested herein does not represent a significant hazard because the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated; create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in the margin of safety.

NPPD requests NRC approval of the proposed license amendment by no later than March 30, 2003. Once approved, the amendment will be implemented within 60 days.

This letter provides a notarized affidavit pursuant to 10 CFR 50.30(b). Attachment 1 contains the description of the proposed amendment, basis for the change, attendant 10 CFR 50.92 no

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significant hazards consideration evaluation, and 10 CFR 51.22 environmental impact evaluation. Attachment 2 identifies the specific changes to the current CNS OL on marked up pages. Attachment 3 contains the final, clean typed version of the affected OL pages.

This proposed OL amendment has been reviewed by the necessary NPPD safety review committees (Station Operations Review Committee and Safety Review and Audit Board) and incorporates all amendments to the CNS Facility Operating License through Amendment 191. By copy of this letter and its attachments, the appropriate State of Nebraska official is notified in accordance with 10 CFR 50.91(b)(1). Copies to the NRC Region IV office and the CNS Resident Inspector are also being provided in accordance with 10 CFR 50.4(b)(1).

Should you have any questions concerning this matter, please contact Mr. Paul Fleming at (402) 825-2774.

Sincerely,



David L. Wilson  
Vice President - Nuclear

/dvw

Attachments

cc: Regional Administrator w/ attachments  
USNRC - Region IV

Senior Project Manager w/ attachments  
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector w/ attachments  
USNRC

Nebraska Health and Human Services w/ attachments  
Department of Regulation and Licensure

NPG Distribution w/o attachments

Records w/ attachments



## **NPPD's Evaluation**

- 1.0 Introduction**
- 2.0 Description of Proposed Amendment**
- 3.0 Background**
- 4.0 Regulatory Requirements and Guidance**
- 5.0 Technical Analysis**
- 6.0 Regulatory Analysis**
- 7.0 No Significant Hazards Consideration**
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- 9.0 Precedents**
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## **Title**

Revision to Operating License, Section 2.C.(4), Fire Protection  
Cooper Nuclear Station, NRC Docket 50-298, DPR-46

## **Revised Pages**

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### **1.0 Introduction**

This letter is a request to amend Operating License (OL) DPR-46 for Cooper Nuclear Station (CNS).

Generic Letter (GL) 86-10 (Reference 1) requested that licensees incorporate the Nuclear Regulatory Commission (NRC) approved Fire Protection (FP) program in their Final Safety Analysis Reports as a predicate to applying for an amendment to their operating licenses (1) to replace current license conditions regarding fire protection with a new standard condition and (2) to remove fire protection requirements from Technical Specifications. CNS had relocated the FP Technical Specifications to the Technical Requirements Manual, but did not adopt the GL 86-10 standard license condition.

The current wording of OL Section 2.C.(4) requires CNS to implement the administrative controls identified in Section 6 of the Safety Evaluation (SE) for Amendment 56 dated May 23, 1979. However, it would be more appropriate for this license condition to reflect wording provided in GL 86-10. In this light, CNS proposes that OL Section 2.C.(4), Fire Protection, be revised by replacing the entire section with the standard OL condition of GL 86-10, Section F, adapted to CNS.

### **2.0 Description of Proposed Amendment**

With the FP program approved by the NRC per SEs dated May 23, 1979; November 21, 1980; September 21, 1983; April 16, 1984; August 21, 1985; April 10, 1986; November 7, 1988; August 15, 1995 and with the FP program inclusion in the USAR (or in documents incorporated by reference into the USAR), the standard language of GL 86-10, Section F, can be applied to CNS.

To effect the above change, on Page 4 of 5 of the Facility Operating License for CNS, remove:

The licensee may proceed with and is required to complete the modifications identified in Paragraph 3.1 through 3.37 of the NRC's Fire Protection Safety Evaluation (SE), dated May 23, 1979, for the facility. These modifications will be completed prior to July 1, 1980.

In addition, the licensee shall submit the additional information in Table 3.1 of this SE in accordance with the schedule contained therein. In the event these dates for submittal cannot be met, the licensee shall submit a report, explaining the circumstances, together with a revised schedule.

The licensee is required to implement the administrative controls identified in Section 6 of the SE. The administrative controls shall be in effect by November 1, 1979.

#### Add in its place:

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the CNS Updated Safety Analysis Report subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

In summary, the proposed amendment replaces License Condition 2.C.(4), relating to the implementation and maintenance of the approved fire protection program, in its entirety, with the standard License Condition recommended by the NRC in GL 86-10.

### **3.0 Background**

Following the fire at the Brown's Ferry Nuclear Power Plant on March 22, 1975, the Commission undertook a number of actions to ensure that improvements were implemented in the fire protection programs for all power reactor facilities. Because of the extensive modification of fire protection programs and the number of open issues resulting from staff evaluations, a number of revisions and alterations in these programs occurred over the years. Consequently, in GL 86-10 the NRC requested licensees to incorporate the final NRC approved FP program in their Final Safety Analysis Report (FSAR)s. In this manner, the FP program, including the systems, certain administrative and technical controls, the organization, and other plant features associated with fire protection, would have a status consistent with that of other plant features described in the FSAR. With that accomplished, the NRC concluded that a standard license condition, requiring compliance with the provisions of the FP program as described in the FSAR, should be used to ensure uniform enforcement of the fire protection requirements. Finally, the NRC stated that with the requested actions, licensees may request an amendment to delete the fire protection TS that would now be unnecessary. In this manner, the NRC concluded that changes to the FP program would be controlled under the provisions of 10 CFR 50.59.

On this basis, the NRC concluded that licensee's FP program does not need to be controlled by TS, and changes to the FP program, which will be described in the Updated Final Safety Analysis Report, are adequately controlled by 10 CFR 50.59. Should the

licensee determine that a proposed change, test, or experiment involves (1) an increase in the probability or consequences of accidents or malfunctions of equipment important to safety, (2) the creation of a possibility for an accident or malfunction of a different type than any evaluated previously, or (3) a reduction in the margin of safety, NRC approval and a license amendment would be required prior to implementation of the change.

Currently, OL Section 2. C.(4), paragraph 3 states, "The licensee is required to implement the administrative controls identified in Section 6 of the SE. The administrative controls shall be in effect by November 1, 1979." The FP program, including these administrative controls, is contained in the USAR and Fire Hazard Analysis (FHA). The FHA has been incorporated by reference into the USAR.

With the conversion of the CNS Technical Specifications to Improved Technical Specifications (Amendment 178), only the FP requirement of TS 5.4.1.d remains in the CNS Technical Specifications requiring written procedures to be established, implemented and maintained for the FP program.

#### **4.0 Regulatory Requirements and Guidance**

NRC Generic Letter 86-10, "Implementation of Fire Protection Requirements," dated April 24, 1986.

#### **5.0 Technical Analysis**

The license change requested herein does not alter or reduce FP requirements located in the FHA or description of the FP program located in the USAR. This change also does not alter structure, systems, or components (SSCs) relied on by analyses to mitigate accidents or special events. As such, the ability to achieve and maintain safe shutdown in the event of a fire is not changed.

The proposed change maintains reasonable assurance of the health and safety of the public. It is consistent with regulations and is not inimical to common defense and security.

#### **6.0 Regulatory Analysis**

GL 86-10 requested that licensees incorporate the NRC approved FP Program in their FSAR. With this accomplished, licensees could apply for an amendment to their operating licenses (1) to replace current license conditions regarding fire protection with a new standard condition and (2) to remove unnecessary fire protection Technical Specifications.

The FP program is contained in the USAR and FHA. The FHA has been incorporated by reference into the USAR.

The administrative controls of the FP program, previously located in the CNS custom TS, were relocated to the CNS Quality Assurance Program for Operation Policy Document during the conversion to Improved Technical Specifications, approved by the NRC on July 30, 1998. Also, as a part of the conversion, the Limiting Conditions for Operation and Surveillance Requirements associated with FP were relocated to the Technical Requirements Manual.

With the provisions of GL 86-10 completed as described above, the inclusion of the standard OL condition for fire protection as adopted from GL 86-10 becomes an administrative change.

## **7.0 No Significant Hazards Consideration**

10 CFR 50.91(a)(1) requires that licensee requests for operating license amendments be accompanied by an evaluation of any significant hazard posed by issuance of the requested amendment. NPPD has evaluated the amendment proposed therein with respect to the criteria in 10 CFR 50.92(c).

### **1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?**

The proposed change would revise the CNS Operating License condition concerning the FP program and its change process. It does not alter the FP requirements in the FHA or in the USAR including the assumptions underlying them. Neither does it alter SSCs relied on by analyses to mitigate accidents or special events. Since it does not change any of the FP requirements or analyses, this proposed amendment does not introduce a new initiator for any of the accidents analyzed in the CNS USAR or considered therein. Because it does not specifically change any FP requirements or mitigating SSCs, this proposed amendment does not introduce a new mechanism for degrading the mitigating features considered for the accidents analyzed. By introducing no new accident initiators and no new mechanisms for degradation of mitigating features, no significant increase in the probability or consequences of an accident previously evaluated is involved in the proposed change. Therefore, the proposed change does not result in a significant increase in radiological doses for any Design Basis Accident and does not result in a significant increase in the types or amounts of any effluents that may be released off-site.



**2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?**

The proposed amendment does not physically change the fit, form, or function of any SSC credited in the accident analyses or in the FHA, Technical Requirements Manual (TRM), or the USAR. The proposed change does not alter assumptions or requirements used in the FHA, TRM, or USAR, nor does it affect the CNS Fire Protection program. It does not, therefore, alter the FP program or affect the plant's ability to achieve and maintain safe shutdown in the event of a fire, and it does not result in a reduction in the level of fire protection of the facility. Because it does not change FP requirements, the FP program or fire-mitigating SSCs, this proposed change does not create the possibility of a new or different kind of accident from those previously evaluated for CNS.

**3. Do the proposed changes involve a significant reduction in the margin of safety?**

The proposed amendment does not alter the design features of the approved FP plan. The proposed amendment does not alter administrative controls in the CNS Fire Protection program necessary to ensure required performance of physical barriers during anticipated operational occurrences and postulated accidents. The proposed change does not alter the NRC approved Fire Protection program as described in FP SER dated May 23, 1979, SER Supplement 1 dated November 21, 1980, SER dated September 21, 1983, SER dated April 16, 1984, SER dated August 21, 1985, SER dated April 10, 1986, SER dated November 7, 1988, SER dated August 15, 1995. It does not affect the USAR, the TRM, the FHA or the commitments contained therein. It does not physically change the fit, form, or function of any SSC credited in the accident analyses or in these documents. Because it does not change the requirements, plan or mitigating SSCs, this proposed change does not involve a significant reduction in a margin of safety.

In summary, the proposed amendment does not involve a significant increase in the probability or consequences of an accident or creates the possibility of a new or different kind of accident or involve a significant reduction in the margin of safety.

## **8.0 Environmental Consideration**

10 CFR 51.22(c)(9) provides criteria for, and identification of, licensing and regulatory actions eligible for categorical exclusion from the requirements to perform an environmental assessment. A proposed amendment to an operating license for a facility does not require an environmental assessment if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant hazards consideration, (2) result in a significant change in the types or significant increase in the amount of any effluents that may be released off-site, or (3) result in an increase in individual or

cumulative occupational radiation exposure. NPPD has reviewed the proposed license amendment and concludes that it meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(c), no environmental impact statement or environmental assessment needs to be prepared in connection with issuance of the proposed license changes. The basis for this determination is as follows:

1. The proposed license amendment does not involve a significant hazards consideration as described previously in the No Significant Hazards Consideration evaluation.
2. As discussed in the No Significant Hazards Considerations evaluation, the change proposed herein does not result in a significant increase in radiological doses for any Design Basis Accident. The proposed change does not result in a significant increase in the types or amounts of any effluents that may be released off-site. The proposed license amendment does not introduce any new equipment, and does not require any existing equipment or systems to perform a different type of function. NPPD has concluded that there will not be a significant increase in the types or amounts of any effluents that may be released off-site and these changes do not involve irreversible environmental consequences beyond those already associated with normal operation.
3. These changes do not adversely affect plant systems or operation and, therefore, do not significantly increase individual or cumulative occupational radiation exposure beyond that already associated with normal operation.

## **9.0 Precedents**

For your convenience in reviewing this amendment, here is a list of other facilities that have been granted approval of similar amendments:

1. James A. Fitzpatrick Nuclear Power Plant, Docket No. 50-333, SER for Amendment No. 218 to DPR-59.
2. Quad Cities Nuclear Power Stations, Docket Nos. 50-254 and 50-265, SERs for Amendments No. 141 to DPR-29 and No. 136 to DPR-30.
3. R. E. Ginna Nuclear Power Plant, Docket No. 50-244, SER for Amendment No. 49 to DPR-18.
4. Donald C. Cook Nuclear Plant, Docket Nos. 50-315 and 50-316, SERs for Amendments No. 194 to DPR-58 and No. 180 to DPR-74.
5. Millstone Nuclear Power Station, Unit No. 2, Docket No. 50-336, SER for Amendment No. 191 to DPR-65.

## **10.0 References**

1. NRC Generic Letter 86-10, "Implementation of Fire Protection Requirements," dated April 24, 1986.

**Markup of  
Operating License Pages**

Cooper Nuclear Station, NRC Docket 50-298, DPR-46

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# Delete and Insert A

(4) <u>Fire Protection</u>	/069
<del>The licensee may proceed with and is required to complete the modifications identified in Paragraphs 3.1 through 3.37 of the NRC's Fire Protection Safety Evaluation (SE), dated May 23, 1979, for the facility. These modifications will be completed prior to July 1, 1980.</del>	<del>/056 /056 /056 /056</del>
<del>In addition, the licensee shall submit the additional information in Table 3.1 of this SE in accordance with the schedule contained therein. In the event these dates for submittal cannot be met, the licensee shall submit a report, explaining the circumstances, together with a revised schedule.</del>	<del>/056 /056 /056 /056</del>
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(5) <u>Additional Conditions</u>	/178
	/178
The Additional Conditions contained in Appendix C, as revised through Amendment No. 178, are hereby incorporated into this license. Nebraska Public Power District shall operate the facility in accordance with the Additional Conditions.	/178 /178 /178 /178
(6) No later than 8 weeks after the Cooper Nuclear Station (CNS) Cycle 21 startup, the licensee shall submit a request for the staff to review and approve a seismic evaluation to ensure the structural integrity of the main steam line piping from the main steam isolation valves (MSIV) to the main turbine condenser, the main turbine condenser, and the turbine building. The evaluation will be performed to assess the ability of the aforementioned main steam piping and main turbine condenser to remain sufficiently intact to direct main steam leakage from the MSIVs to the main turbine condenser, consistent with the leakage assumptions in the design-basis accident dose calculations during and after a Safe Shutdown Earthquake. This seismic evaluation will employ an analytical methodology acceptable to the staff and will identify any modifications necessary to support the evaluation. The licensee's approved request shall be fully implemented, including the completion of modifications, within 12 months of approval or prior to CNS Cycle 22 startup, whichever is later.	/183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183 /183
D. (Not Used)	/190

## Insert A

The licensee shall implement and maintain in effect all provisions of the /192  
approved fire protection program as described in the CNS Updated Safety /192  
Analysis Report subject to the following provision: /192

The licensee may make changes to the approved fire protection program /192  
without prior approval of the Commission only if those changes would not /192  
adversely affect the ability to achieve and maintain safe shutdown in the /192  
event of a fire.

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License Condition pages**

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(4) <u>Fire Protection</u>	/069
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D. (Not Used)	/190

ATTACHMENT 3 LIST OF REGULATORY COMMITMENTS

Correspondence Number: NLS2002064

The following table identifies those actions committed to by the District in this document. Any other actions discussed in the submittal represent intended or planned actions by the District. They are described for information only and are not regulatory commitments. Please notify the NL&S Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
None.	