

## **SAFEGUARDS INFORMATION**

October 28, 2004

Mr. Randall Edington  
Vice President  
c/o Ms. Norena Robinson  
Nebraska Public Power District  
Cooper Nuclear Station  
P. O. Box 98  
Brownville, NE 68321-0098

**SUBJECT: COOPER NUCLEAR STATION - ADMINISTRATIVE CHANGE TO FACILITY OPERATING LICENSE IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT; AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATION PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NO. MC2908)**

Dear Mr. Edington:

By letter dated April 29, 2004, Nebraska Public Power District submitted a supplemental response in accordance with Order EA-03-086, the Order requiring compliance with the revised design basis threat, dated April 29, 2003, (DBT Order) for the Cooper Nuclear Station. Section III.A of the DBT Order required licensees to revise their physical security plans (PSPs), training and qualification plans (T&Q Plans), and safeguards contingency plans (SCPs) in order to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

The NRC staff's review of the Cooper Nuclear Station PSP, SCP, and T&Q Plan submitted in your letter dated April 29, 2004, as supplemented on June 29, July 15, July 26, August 9, September 8, October 1, and October 15, 2004, has focused on ensuring the necessary programmatic elements are contained in these plans in order to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

The NRC staff has determined that subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements that, when effectively implemented, will provide the required high assurance that Cooper Nuclear Station will be protected against the

**NOTICE: Enclosure 2 contains Safeguards Information. Upon separation from Enclosure 2, this letter and Enclosure 1 are DECONTROLLED.**

## **SAFEGUARDS INFORMATION**

revised DBT. The NRC staff, therefore approves the PSP, SCP, and T&Q Plan for Cooper Nuclear Station. However, ultimately the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirement and meet the high assurance objective of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

Approved Alternatives to the Requirements of 10 CFR Part 73

<b>SE Section</b>	<b>PSP Section</b>	<b>Alternative to 10 CFR</b>	<b>Description</b>
3.6.2	6.2	73.55(c)(3)	Isolation Zones
3.6.3	6.3	73.55(d)(7)(i)(D)	Vital Area (VA) access requirements
3.9.4.3	9.4.3	73.55(d)(4)	Protected Area (PA) vehicle search requirements
3.9.4.4	9.4.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	9.5	73.55(d)(4)	PA access control requirements
3.10.1	10.1	73.55(c)(5)	PA illumination requirements
3.13.1	14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of VA to PA status (devitalization)

Finally, consistent with the DBT Order, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to FOL No. DPR-46 is being made to incorporate the reference to the revised PSP, SCP, and T&Q Plan required by the DBT Order. This change complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I.

Please replace the enclosed page to your FOL as indicated in Enclosure 1.

R. Edington

- 3 -

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

**/RA/**

John A. Nakoski, Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosures: 1. Administrative Change to FOL No. DPR-46  
2. SE Regarding the Security Plans (**SAFEGUARDS INFORMATION**)

cc w/encl 1 only: See mailing list 1

cc w/encls 1 and 2: Norena Robinson

R. Edington

- 3 -

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

**/RA/**

John A. Nakoski, Chief  
Security Plan Review Team  
Project Directorate II  
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cc w/encl 1 only: See mailing list 1  
cc w/encls 1 and 2: Norena Robinson

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DATE	10/21/04	10/21/04	10/21/04	10/23/04	10/23/04	10/28/04	10/28/04

OFFICIAL RECORD COPY

Cooper Nuclear Station

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NEBRASKA PUBLIC POWER DISTRICT

DOCKET NO. 50-298

COOPER NUCLEAR STATION

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. DPR-46

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. Consistent with Order EA-03-086, the Order requiring compliance with revised design basis threat, (DBT Order) issued on April 29, 2003, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to FOL No. DPR-46 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I.
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the FOL is changed as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

John A. Nakoski, Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to FOL No. DPR-46

Date of Issuance: October 28, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. DPR-46

DOCKET NO. 50-298

Replace the following page of the Facility Operating License No. DPR-46 with the attached revised page as indicated. The revised page is identified by a revision date and contains marginal lines indicating the area of change.

Remove Page

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Insert Page

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(5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2381 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 205, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Cooper Nuclear Station Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0" submitted by letter dated October 15, 2004.