



**Nebraska Public Power District**

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NLS2005109  
December 22, 2005

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

**Subject:** Letter of Intent to Adopt NFPA 805 – Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition  
Cooper Nuclear Station, Docket No. 50-298, DPR-46

The purpose of this letter is to inform the Nuclear Regulatory Commission (NRC) that Nebraska Public Power District (NPPD) intends to adopt the subject National Fire Protection Association standard NFPA 805 in accordance with 10 CFR 50.48(c) for Cooper Nuclear Station (CNS). This letter also requests enforcement discretion in accordance with NRC interim enforcement policy with an extension beyond the two years in the policy. Finally, this letter proposes CNS be considered for a pilot plant and requests that NRC fees be waived.

The transition to the performance-based standard will commence during the first quarter of 2006 and will take approximately 48 months to fully implement. The schedule is subject to change depending on the extent of any physical plant modifications or changes required to the CNS fire protection program to comply with NFPA 805. An updated schedule will accompany the license amendment request required under 10 CFR 50.48(c)(3)(i).

The NFPA 805 transition process will proceed in three phases:

**Phase 1 - Preliminary assessment of the Fire Protection Program**

- Technical and regulatory assessments to determine the feasibility and practicality of performing the transition

**Phase 2 - Review and Engineering Analysis**

- Fundamental Fire Protection Program and Design Elements review
- Nuclear Safety Performance Criteria Transition review
- Non-Power Operational Mode Transition review
- Radiological Release Transition review
- Change Evaluations
- License Amendment Request

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### Phase 3 - Implementation

- Program Documentation
- Configuration Control
- Monitoring

The process will be considered complete upon implementation of the approved license amendment authorizing the transition to NFPA 805.

In accordance with NRC interim enforcement policy (69FR33684, June 16, 2004), NPPD requests enforcement discretion for NRC identified non-compliances and unresolved items (URI's) and for CNS identified non-compliances related to fire protection. As outlined in the enforcement policy, those non-compliances must be entered into the licensee's Corrective Action Program, must not be associated with findings that the Reactor Oversight Process Significance Determination Process would evaluate as Red, or would not be categorized as Severity Level 1, and appropriate compensatory measures have been taken. NPPD understands that this letter of intent initiates a period of enforcement discretion during which no enforcement actions will be taken for non-compliances (which meet the enforcement policy guidelines) discovered as the result of evaluations to support this licensing basis transition.

For the reasons stated below, NPPD requests an extension of the enforcement discretion window to four years for CNS, a single unit plant.

- Duke Energy, Progress Energy and other plants have submitted letters of intent to transition to NFPA 805, and have requested to be considered as pilot plants. CNS desires to apply the lessons learned from their efforts, and these lessons learned may not be available for one to two years.
- CNS will need to rely on outside resources to complete the transition. However, within the nuclear industry, there are a limited number of experts in the areas of Electrical Engineering (circuit analysis), System Engineering, Appendix R Safe Shutdown, and Probabilistic Safety Assessment which are needed to support reconstitution of the Appendix R design basis and the transition to NFPA 805.
- There are several actions that need to be completed in series to make a quality transition. This would include developing a cable and raceway data base and a complete Fire PRA prior to doing further engineering analysis. For this reason, NPPD estimates the total project duration to be approximately 48 months.

Since CNS will be among the first Boiling Water Reactors (BWR) to announce its intent to adopt NFPA 805, NPPD proposes that CNS be considered a pilot plant for the initial implementation of performance based fire protection using NFPA 805. As part of this pilot process, NPPD requests

that all NRC licensing and review fees be waived for the CNS License Amendment Request. NPPD believes that its participation in the pilot process will significantly benefit the NRC through the knowledge and experience gained during the NRC observation process, and will provide valuable input into the NRC inspection guidance for transition. The experience gained by the NRC and NPPD in developing, submitting, and reviewing the Transition Report will allow the development of valid industry BWR templates for future licensees undergoing transition. In addition, waiver of the licensing fees will somewhat offset the expense and burden of orchestrating the on-site observation process.

Should you have any questions regarding this submittal, please contact Paul Fleming, Licensing Manager, at (402) 825-2774.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall K. Edington". The signature is written in a cursive style and is positioned above the typed name.

Randall K. Edington  
Vice President Nuclear and  
Chief Nuclear Officer

/em

cc: Regional Administrator  
USNRC - Region IV

Senior Project Manager  
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector  
USNRC - CNS

NPG Distribution

CNS Records

