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NLS2006044
May 10, 2006

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

Subject: Revision to License Amendment Request to Update the American Society of Mechanical Engineers Code Referenced in Technical Specification Section 5.5.6, Inservice Testing Program
Cooper Nuclear Station, Docket No. 50-298, DPR-46

Reference: Letter from Randall K. Edington, Nebraska Public Power District, to U.S. Nuclear Regulatory Commission, dated March 7, 2006, "License Amendment Request to Update the American Society of Mechanical Engineers Code Referenced in TS Section 5.5.6, Inservice Testing Program"

The purpose of this letter is to submit a revision to the license amendment request (LAR) submitted by the Nebraska Public Power District (NPPD) by letter dated March 7, 2006 (Reference). That LAR submitted a proposed revision to Cooper Nuclear Station (CNS) Technical Specification (TS) Section 5.5.6, "Inservice Testing Program." The proposed revision would revise the referenced code from Section XI of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code to the ASME Code for Operation and Maintenance of Nuclear Power Plants, and extend the applicability of TS Surveillance Requirement (SR) 3.0.2 provisions to other normal and accelerated frequencies specified in the Inservice Testing (IST) Program. TS SR 3.0.2 allows a delay of 25 percent of the specified frequency in performing a surveillance.

The U.S. Nuclear Regulatory Commission (NRC) Project Manager for CNS informed NPPD that the proposed revision of the SR 3.0.2 provisions section of TS 5.5.6 was unacceptable based on a position that applying the 25 percent extension to IST activities with frequencies greater than two years would be inappropriate. Therefore, the proposed revision to extend the applicability of SR 3.0.2 to frequencies in the IST is modified to limit the applicability to frequencies specified as two years or less.

The technical analysis in the original LAR, submitted by the Reference letter, discussed the need for the requested change to the ASME code referenced in TS 5.5.6, and noted that the requested changes had been incorporated into the Standard TS for BWR4 Plants, and that the technical analysis section of Technical Specification Task Force (TSTF) traveler TSTF-479-A is applicable to CNS. That analysis has been amended to address the modified TS 5.5.6 revision proposed in this submittal.

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The no significant hazards consideration evaluation included with the original LAR concluded that the proposed amendment presents no significant hazards consideration. The description of the proposed changes in the no significant hazards consideration evaluation is impacted by the modified TS revisions, and has been modified. However, the conclusion and the basis remain valid for the modified TS revisions submitted by this letter.

Attachment 1 provides revisions to Section 1.0, Description, and Section 2.0, Proposed Changes, and complete revised Section 4.0, Technical Analysis, and Section 5.1, No Significant Hazards Consideration. Attachment 2 provides the revised page in markup format. Attachment 3 provides the revised page in final typed format.

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

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/10/06
(Date)

Sincerely,



Stewart B. Minahan
General Manager of Plant Operations

/rr

Attachments

cc: Regional Administrator w/ Attachments
USNRC - Region IV

Cooper Project Manager w/ Attachments
USNRC - NRR Project Directorate IV-1

Senior Resident Inspector w/ Attachments
CNS - USNRC

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

NPG Distribution w/o Attachments

CNS Records w/ Attachments

Attachment 1

Revisions to Attachment 1 of Nebraska Public Power District License Amendment Request dated March 7, 2006

Cooper Nuclear Station, Docket No. 50-298, DPR-46

Reference: Letter from Randall K. Edington, Nebraska Public Power District, to U.S. Nuclear Regulatory Commission, dated March 7, 2006, "License Amendment Request to Update the American Society of Mechanical Engineers Code Referenced in TS Section 5.5.6, Inservice Testing Program"

The following are paragraphs from Sections 1.0 and 2.0, and complete Sections 4.0 and 5.0 from the Reference letter, revised to reflect the revised technical specification. Added text is shown in bold font, with bars in the right-hand margin showing the location of the added text.

1.0 Description

In addition, the scope of Frequencies specified to be within the applicability of SR [Surveillance Requirement] 3.0.2 is expanded by adding mention of other normal and accelerated Frequencies specified as **two years or less** in the IST [Inservice Testing] Program. This will eliminate any confusion regarding the applicability of SR 3.0.2 to IST Program Frequencies.

2.0 Proposed Changes

The following are the proposed revisions to TS Section 5.5.6, "Inservice Testing Program."

2. TS 5.5.6.b states that the provisions of SR 3.0.2 are applicable to the required Frequencies. The phrase "**and to other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program**" is added to TS 5.5.6.b.

4.0 Technical Analysis

The current 10 CFR 50.55a reflects that the ASME [American Society of Mechanical Engineers] OM [Operation and Maintenance] Code has been incorporated by reference into 10 CFR 50.55a(b), with 10 CFR 50.55a(b)(3) referring to the 1995 Edition through the 2003 Addenda of the ASME OM Code. NPPD is revising the CNS IST Program for the fourth 120-month interval based on the requirements of the 2001 Edition, 2003 Addenda of the OM Code. The proposed changes to TS 5.5.6 are necessary for consistency with the revised IST Program.

The changes to TS Section 5.5.6 proposed in this amendment request have been incorporated into the comparable Section 5.5.7, "Inservice Testing Program," of NUREG-1433, Standard Technical Specifications for BWR4 Plants, Revision 3.1.

TSTF-479-A presented a Technical Analysis supporting the revisions to the IST Program section of NUREG-1433. The information presented in the Technical Analysis section of the TSTF is applicable to CNS.

CNS TS 5.5.6.b addresses the applicability of Surveillance Requirement (SR) 3.0.2 to the Frequencies in the IST Program. Based on the changes reflected in TSTF-479-A, Nebraska Public Power District (NPPD) proposed a revision to this section in the submittal dated March 7, 2006, to state that the provisions of SR 3.0.2 are applicable to the specified Frequencies "and other normal and accelerated Frequencies specified in the Inservice Testing Program." The IST Program has Frequencies in excess of two years, for example five years and ten years. Applying the 25% extension allowed by SR 3.0.2 to these Frequencies would result in extensions of 1.25 years and 2.50 years, respectively. The NRC staff expressed a concern with applying SR 3.0.2 to frequencies greater than two years. To address that concern NPPD is modifying the proposed revision to state that the provisions of SR 3.0.2 are applicable to the specified Frequencies "and to other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program." As a result the applicability of SR 3.0.2 is limited to Frequencies in the IST Program of two years or less.

Amendment numbers 228 and 204 to Susquehanna Steam Electric Station (SSES) Units 1 and 2, respectively, dated December 7, 2005, are considered suitable precedents for this requested license amendment. In these amendments, SSES TS 5.5.6, "Inservice Testing Program," was revised by replacing reference to Section XI of the ASME Boiler and Pressure Vessel Code with reference to ASME Operation and Maintenance Code. (SSES did not propose all of the change reflected in TSTF-479-A). These SSES amendments are considered suitable precedents because both SSES and CNS must comply with 10 CFR 50.55a, and the IST Program for both must be written to the requirements of the latest edition and addenda of the ASME OM Code referenced in 10 CFR 50.55a(b). This proposed TS change involves no structure, system, or component (SSC) at SSES that might be different from a SSC at CNS.

5.0 Regulatory Safety Analysis

5.1 No Significant Hazards Consideration

10 CFR 50.91(a)(1) requires that licensee requests for operating license amendments be accompanied by an evaluation of no significant hazard posed by

issuance of the amendment. Nebraska Public Power District (NPPD) has evaluated this proposed amendment with respect to the criteria given in 10 CFR 50.92(c). The following is the evaluation required by 10 CFR 50.91(a)(1).

NPPD is requesting an amendment of the operating license for the Cooper Nuclear Station (CNS). The requested amendment revises the ASME Code referenced in Technical Specification (TS) Section 5.5.6, "Inservice Testing Program," from Section XI of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, to the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code). The requested amendment also proposes to revise a paragraph in TS Section 5.5.6 that discusses applicability of Surveillance Requirement SR 3.0.2, to state that other normal and accelerated Frequencies specified as **two years or less** in the Inservice Testing (IST) Program are included in the SR 3.0.2 applicability.

TSTF-479-A, Rev. 0, contained an evaluation of no significant hazards consideration against the three criteria of 10 CFR 50.92(c). That evaluation is applicable to CNS. The following evaluation of the changes is based on the evaluation in the TSTF and supports a finding of "no significant hazards" for the proposed amendment.

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

Response: No

The proposed changes revise the CNS TS for the IST Program to be consistent with the requirements of 10 CFR 50.55a(f)(4) for pumps and valves which are classified as ASME Code Class 1, Class 2, and Class 3. The proposed changes incorporate revisions to the ASME Code that result in a net improvement in the measures for testing pumps and valves.

The proposed changes do not impact any accident initiators, analyzed events, or assumed mitigation of accident or transient events. They do not involve addition or removal of any equipment, nor any design changes to the facility.

Based on the above, NPPD concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response: No

The proposed changes revise the CNS TS for the IST Program to be consistent with the requirements of 10 CFR 50.55a(f)(4) for pumps and valves which are classified as ASME Code Class 1, Class 2, and Class 3. The proposed changes incorporate revisions to the ASME Code that result in a net improvement in the measures for testing pumps and valves.

The proposed changes do not involve a modification to the physical configuration of the plant (i.e., no new equipment will be installed) or a change in the methods governing normal plant operation. The proposed changes will not introduce a new accident initiator, accident precursor, or malfunction mechanism. There is no change in the types or increases in the amounts of any effluent that may be released off-site, and there is no increase in individual or cumulative occupational exposure.

Based on the above, NPPD concludes that these proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

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

Response: No

The proposed changes revise the CNS TS for the IST Program to be consistent with the requirements of 10 CFR 50.55a(f)(4) for pumps and valves which are classified as ASME Code Class 1, Class 2, and Class 3. The proposed changes incorporate revisions to the ASME Code that result in a net improvement in the measures for testing pumps and valves.

The safety function of the affected pumps and valves will be maintained. Based on the above, NPPD concludes that these proposed changes do not involve a significant reduction in a margin of safety.

Based on the responses to the above questions, NPPD concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c) and, accordingly, a finding of “no significant hazards consideration” is justified.

NLS2006044
Attachment 2
Page 1 of 2

Attachment 2

Proposed Technical Specification Page 5.0-10 (Mark up)

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

5.5 Programs and Manuals (continued)

5.5.6 Inservice Testing Program

This program provides controls for inservice testing of ASME Code Class 1, 2, and 3 pumps and valves:

- a. Testing Frequencies ~~specified in Section XI of the ASME Boiler and Pressure Vessel Code~~ and applicable Addenda are as follows:

applicable to the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code)

ASME ~~Boiler and Pressure Vessel~~ ^{OM} Code and applicable Addenda terminology for inservice testing activities

Required Frequencies for performing inservice testing activities

Weekly	At least once per 7 days
Monthly	At least once per 31 days
Quarterly or every 3 months	At least once per 92 days
Semiannually or every 6 months	At least once per 184 days
Every 9 months	At least once per 276 days
Yearly or annually	At least once per 366 days
Biennially or every 2 years	At least once per 731 days

and to other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program

- b. The provisions of SR 3.0.2 are applicable to the above required Frequencies for performing inservice testing activities;
- c. The provisions of SR 3.0.3 are applicable to inservice testing activities; and
- d. Nothing in the ASME ~~Boiler and Pressure Vessel~~ ^{OM} Code shall be construed to supersede the requirements of any TS.

5.5.7 Ventilation Filter Testing Program (VFTP)

The VFTP shall establish the required testing of Engineered Safety Feature (ESF) filter ventilation systems. Tests described in Specifications 5.5.7.a, 5.5.7.b, and 5.5.7.c shall be performed once per 18 months for standby service or after 720 hours of

(continued)

NLS2006044
Attachment 3
Page 1 of 2

Attachment 3

Proposed Technical Specification Page 5.0-10 (Final Typed)

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

5.5 Programs and Manuals (continued)

5.5.6 Inservice Testing Program

This program provides controls for inservice testing of ASME Code Class 1, 2, and 3 pumps and valves:

- a. Testing Frequencies applicable to the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) and applicable Addenda are as follows:

<u>ASME OM Code and applicable Addenda terminology for inservice testing activities</u>	<u>Required Frequencies for performing inservice testing activities</u>
Weekly	At least once per 7 days
Monthly	At least once per 31 days
Quarterly or every 3 months	At least once per 92 days
Semiannually or every 6 months	At least once per 184 days
Every 9 months	At least once per 276 days
Yearly or annually	At least once per 366 days
Biennially or every 2 years	At least once per 731 days

- b. The provisions of SR 3.0.2 are applicable to the above required Frequencies and to other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program for performing inservice testing activities;
- c. The provisions of SR 3.0.3 are applicable to inservice testing activities; and
- d. Nothing in the ASME OM Code shall be construed to supersede the requirements of any TS.

5.5.7 Ventilation Filter Testing Program (VFTP)

The VFTP shall establish the required testing of Engineered Safety Feature (ESF) filter ventilation systems. Tests described in Specifications 5.5.7.a, 5.5.7.b, and 5.5.7.c shall be performed once per 18 months for standby service or after 720 hours of

Correspondence Number: NLS2006044

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

COMMITMENT	COMMITMENT NUMBER	COMMITTED DATE OR OUTAGE
None		