

October 30, 2006

Mr. Randall K. Edington
Vice President-Nuclear
and Chief Nuclear Officer
Nebraska Public Power District
Cooper Nuclear Station
P.O. Box 98
Brownville, NE 68321

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805, COOPER
NUCLEAR STATION

Dear Mr. Edington:

In a letter dated March 7, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML060250510), the U.S. Nuclear Regulatory Commission (NRC) acknowledged your letter of December 22, 2005 (ADAMS No. ML053640280), in which you stated that the Nebraska Public Power District intended to adopt National Fire Protection Association (NFPA) Standard 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants," 2001 Edition, pursuant to paragraph 50.48©) of Title 10 of the *Code of Federal Regulations* (10 CFR 50.48©)), at Cooper Nuclear Station (CNS).

In your letter, you requested enforcement discretion for a period of 48 months for existing identified incidents of noncompliance, in accordance with the NRC's interim enforcement policy. In our March 7, 2006 letter, the NRC granted a 2-year enforcement discretion period for CNS. However, we also noted that the NRC is considering your request for an extended discretion period and will contact you when we have reached a decision.

On the basis of a revision to the Enforcement Policy (71 FR 19905), a 3-year enforcement discretion period has been granted. Currently, the NRC is not granting additional extensions to the existing approved enforcement discretion policy. Therefore, the NRC considers the discretion period for CNS, which began on December 22, 2005, to expire on December 22, 2008. Towards the end of your 36-month discretion period, you may request an extension. However, any extension requests should address what events occurred that were outside licensee's control that precluded the completion of transition during the allotted discretion period.

As you are aware, in order to receive enforcement discretion, you must: (a) evaluate the risk significance of all noncompliance to assure that they do not constitute "Red" (or a Severity Level I) findings under the Reactor Oversight Program, (b) enter them into your corrective action program, and ©) implement and maintain appropriate compensatory measures until you

R. Edington

- 2 -

complete your corrective actions, or until the NRC staff approves your license amendment request and issues its safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," for additional NRC staff's guidance on appropriate compensatory measures.

If you have any questions regarding this matter, please contact Brian J. Benney, Project Manager, at 301-415-3764 or BJB@nrc.gov.

Sincerely,

/RA by John Lubinski for/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

R. Edington

- 2 -

complete your corrective actions, or until the NRC staff approves your license amendment request and issues its safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," for additional NRC staff's guidance on appropriate compensatory measures.

If you have any questions regarding this matter, please contact Brian J. Benney, Project Manager, at 301-415-3764 or BJB@nrc.gov.

Sincerely,

/RA by John Lubinski for/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-298

cc: See next page

DISTRIBUTION:

PUBLIC
ADRA Reading File
RidsNrrDorl(EHaney)
J. Lyons
T. Quay
S. Richards
RidsNrrDorlLpII-1(RLauffer)
RidsNrrPMBBenney(BBenney)
RidsNRRPMBVaidya(BVaidya)
RidsNrrDraAfpb(SWeerakkody)
P. Lain
R. Gibbs
RidsOeMailCenter(DSolorio)
L. Smith, R-IV
P. Koltay
T. Dinh
Q. Nguyen

RidsRgn4MailCenter
RidsAcrcAcnwMailCenter
RidsOgcRp

ADAMS Accession No.: Package: ML063050585; Letter: ML063050556; E-Mail: ML063050576 NRR-106

Office	LPL4/PM	LPL4/LA	BC:AFPB	BC:IRIB
Name	BBenney	LFeizollahi	SWeerakkody	RGibbs
Date	10/30/06	10/24/06	09/27/06	10/02/06
Office	OE	BC:R-IV/DRS/EB2	BC:LPL4	D:NRR/DORL
Name	DSolorio	Lsmith (by email)	DTerao	CHaney
Date	10/18/06	10/20/06	10/04/06	10/30/06

OFFICIAL RECORD COPY

Cooper Nuclear Station

cc:

Mr. William J. Fehrman
President and Chief Executive Officer
Nebraska Public Power District
1414 15th Street
Columbus, NE 68601

Mr. Michael T. Boyce
Nuclear Asset Manager
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321

Mr. John C. McClure
Vice President and General Counsel
Nebraska Public Power District
P. O. Box 499
Columbus, NE 68602-0499

Mr. Paul V. Fleming
Licensing Manager
Nebraska Public Power District
P.O. Box 98
Brownville, NE 68321

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. Julia Schmitt, Manager
Radiation Control Program
Nebraska Health & Human Services R & L
Public Health Assurance
301 Centennial Mall, South
P.O. Box 95007
Lincoln, NE 68509-5007

Mr. H. Floyd Gilzow
Deputy Director for Policy
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102-0176

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 400
Arlington, TX 76011

Director, Missouri State Emergency
Management Agency
P. O. Box 116
Jefferson City, MO 65102-0116

Chief, Radiation and Asbestos
Control Section
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
Lucas State Office Building, 5th Floor
321 East 12th Street
Des Moines, IA 50319

Mr. Keith G. Henke, Planner
Division of Community and Public Health
Office of Emergency Coordination
930 Wildwood P.O. Box 570
Jefferson City, MO 65102

Jerry C. Roberts, Director of Nuclear
Safety Assurance
Nebraska Public Power District
P.O. Box 98
Brownville, NE 68321

Mr. John F. McCann, Director
Licensing, Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601-1813