



Nebraska Public Power District

"Always there when you need us"

73.5

NLS2009106
December 22, 2009

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

**Subject: Request for Exemption from Physical Security Requirements
Cooper Nuclear Station, Docket No. 50-298, DPR-46**

Dear Sir or Madam:

In accordance with the requirements of 10 CFR 73.5, Nebraska Public Power District (NPPD) requests the Nuclear Regulatory Commission (NRC) approve an exemption from specific requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials," for Cooper Nuclear Station (CNS). The requested exemption would extend the compliance date for implementation of certain new security requirements issued by the NRC in a Final Rule dated March 27, 2009 (74 FR 13926).

Pursuant to the Final Rule, the new security requirements must be implemented by March 31, 2010. NPPD has evaluated these new requirements and determined that many of the requirements can be implemented by the March 31, 2010, compliance date. However, specific parts of the new requirements will require more time to implement since they involve significant upgrades to the security system. These changes involve physical modifications that include []. The attachment to this letter provides additional details regarding the specific provisions of the rule for which an exemption is requested, as well an Environmental Assessment.

NPPD is requesting an extension of the March 31, 2010, implementation date to August 31, 2010, for these specific requirements based on the time required to design the modifications, plan the work, procure materials and services, and construct the required modifications, as well as the consideration of impediments to construction caused by winter weather conditions. CNS also recently completed a refueling outage that had a significant impact on site resources required to design the upcoming modifications to the facility. NPPD will maintain the current CNS physical protection program in accordance with 10 CFR 73.55 and the Physical Security Plan during the period of the requested exemption. The current security program and the new security requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security.

NPPD requests approval of this exemption by January 22, 2010, to allow time to prepare and implement compensatory measures if the exemption is not granted. The proposed exemption is requested to be effective upon issuance.

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A Security-Related version of this letter requesting withholding from public disclosure, NLS2009105, was signed and submitted to the NRC on this date.

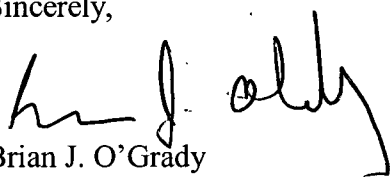
This letter makes no new regulatory commitments.

If you have any questions or require additional information, please contact Jerry Bebb, Security Manager, at 402-825-5244.

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

Executed on: 12/22/09

Sincerely,



Brian J. O'Grady
Site Vice President

/lb

Attachment

cc: Regional Administrator w/attachment
USNRC - Region IV

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

Director, Office of Nuclear Security and Incident Response w/attachment
USNRC

Senior Resident Inspector w/attachment
USNRC - CNS

NPG Distribution w/o attachment

CNS Records w/attachment

Request for Exemption from Physical Security Requirements

A. Background

The Nuclear Regulatory Commission issued a Final Rule for new security requirements in the Federal Register dated March 27, 2009. Pursuant to 10 CFR 73.55(a)(1) of the Final Rule, the new security requirements in 10 CFR 73.55 must be implemented by March 31, 2010. Nebraska Public Power District (NPPD) has evaluated these new requirements and determined that many of the requirements can be implemented within the required implementation period. However, NPPD has also determined that implementation of specific requirements will require additional time beyond March 31, 2010.

NPPD has approved a plan to []. The study phase has been completed and the design phase for these modifications has begun. Construction will be completed by August 31, 2010.

B. Cooper Nuclear Station (CNS) Security System Upgrade

The scope of work to meet the new security requirements of 10 CFR 73.55 includes but is not limited to the following major items:

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Additionally, CNS has identified that it will need to [].

Due to the amount of engineering and design, material procurement, construction and installation activities, the potential impact of winter weather conditions in Nebraska, and considering that CNS completed a 41-day refueling outage on November 6, 2009, that significantly impacted design work, completion of some of the new requirements will require additional time beyond March 31, 2010. Table 1 of this attachment provides a high level project schedule. Table 2 provides a schedule for additional security work being implemented in conjunction with the 10 CFR 73.55 rule change. [] are provided in Figure 1 of this attachment.

The Part 73 provisions required to be implemented by March 31, 2010, will be completed by the required compliance date except for the items related to the proposed exemption described in Section C below. These items, subject to the request for an exemption, will be implemented by August 31, 2010. CNS will then be in full compliance with the Final Rule.

C. Proposed Exemption

NPPD requests an exemption for CNS, from the compliance date only, for the three items listed in this section. NPPD will maintain the current CNS physical protection program in accordance with 10 CFR 73.55 and the Physical Security Plan during the period of the requested exemption. The current security program and the new security requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security. Accordingly, the requested exemption is authorized by law and will not endanger life or property or the common defense and security in accordance with 10 CFR 73.5.

Item 1

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Issue

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Item 2

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Issue

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Item 3

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Issue

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D. Basis for Proposed Exemption

NPPD is seeking a schedular exemption from []. The basis for requesting an exemption of the March 31, 2010, date to August 31, 2010, is based on [].

Using established processes, the duration (study, design, construction, testing, turnover) of a project of this magnitude is typically 12 to 18 months. This time frame is further challenged by winter weather conditions and the impact of a refueling outage on resources.

NPPD is continuing efforts to implement the remaining Part 73 requirements identified in the March 27, 2009, Federal Register Notice by the March 31, 2010, compliance date.

The following is a more detailed description of the work activities associated with the physical modifications and the requirements associated with each activity:

[]

Table 1 provides a high level project schedule for the physical modifications associated with the specific items for which an exemption is requested. This schedule was developed to comply with the new Part 73 requirements. The schedule has been developed based on current information and anticipated impediments to construction as a result of winter weather conditions, i.e., frozen ground or extreme cold that creates personnel safety issues. Table 2 provides a schedule for additional security work being implemented in conjunction with the 10 CFR 73.55 rule change.

Figure 1 depicts [].

Table 1 - High Level Project Schedule

[]

The dates provided are best estimates based on information available at the time the schedule was developed and may change as designs are finalized and construction proceeds. Therefore, these schedule dates are not considered to be regulatory commitments.

Table 1 - High Level Project Schedule (continued)

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The dates provided are best estimates based on information available at the time the schedule was developed and may change as designs are finalized and construction proceeds. Therefore, these schedule dates are not considered to be regulatory commitments.

**Table 2 - Schedule for Additional Security Work Being
Implemented in Conjunction with 10 CFR 73.55 Rule Change**

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The dates provided are best estimates based on information available at the time the schedule was developed and may change as designs are finalized and construction proceeds. Therefore, these schedule dates are not considered to be regulatory commitments.

Figure 1 - []

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Environmental Assessment

NPPD is requesting an exemption for CNS in accordance with 10 CFR 73.5, "Specific exemptions." The requested exemption is schedular in nature and would defer the compliance date for three specific provisions of 10 CFR 73.55 from March 31, 2010, to August 31, 2010. The proposed exemption is needed to allow additional time for the design and installation of security modifications.

CNS's current security program and the new requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security.

Deferral of the compliance date for three specific provisions of 10 CFR 73.55 is a schedular change only and, therefore, does not result in any physical changes to structures, systems, or components, or land use at CNS. The deferral of the compliance date does not involve:

- any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment,
- any changes to liquid or gaseous radioactive effluents discharged to the environment,
- any change in the type or quantity of solid radioactive waste generated,
- any change in occupational dose under normal or design basis accident conditions,
- any change in the public dose under normal or design basis accident conditions,
- any land disturbance.

Conclusion:

There is no significant radiological environmental impact associated with the proposed schedular exemption. The proposed exemption will not affect non-radiological plant effluents nor affect any historical sites.

0.ATTACHMENT 3 LIST OF REGULATORY COMMITMENTS⁴

Correspondence Number: NLS2009106

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		