



Nebraska Public Power District

Always there when you need us

73.5

NLS2010065

July 7, 2010

U.S. Nuclear Regulatory Commission

Attention: Document Control Desk

Washington, D.C. 20555-0001

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

- Reference:**
1. Letter from Brian J. O'Grady, Nebraska Public Power District, to the U.S. Nuclear Regulatory Commission, dated December 22, 2009, "Request for Exemption from Physical Security Requirements"
 2. Letter from Carl F. Lyon, U.S. Nuclear Regulatory Commission, to Stewart B. Minahan, Nebraska Public Power District, dated February 26, 2010, "Cooper Nuclear Station – Exemption from the Requirements of 10 CFR Part 73, Section 73.55 (TAC No. ME2970)"

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) to 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).

In Reference 1, NPPD requested exemption from the Final Rule implementation deadline of March 31, 2010 until August 31, 2010 for three specific requirements of 10 CFR 73.55. In Reference 2, the NRC approved NPPD's exemption request. However, due to an extremely wet spring and recent flooding of the Missouri River, construction activities have been significantly impacted and implementation of the remaining requirements is anticipated to require additional time. Therefore, NPPD is requesting a schedular exemption until December 31, 2010 to implement the three requirements previously described in Reference 1.

The remaining activities include []. The attachment to this letter provides additional details regarding the specific impacts on schedule, why they were unavoidable, a new schedule, as well as an Environmental Assessment.

COOPER NUCLEAR STATION

P.O. Box 98 / Brownville, NE 68321-0098

Telephone: (402) 825-3811 / **Fax:** (402) 825-5211

www.nppd.com

S001A
NRR

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 new security requirements that have been implemented to date provide continued assurance of public health and safety and common defense and security.

NPPD requests approval of this exemption prior to August 31, 2010. The proposed exemption is requested to be effective upon issuance.

A Security Related version of this letter requesting withholding from public disclosure, NLS2010064, was signed and submitted to the NRC on this date.

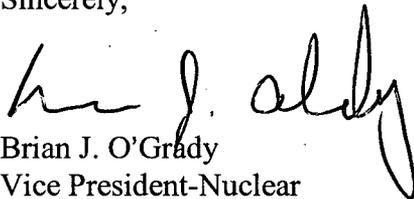
This letter makes no new regulatory commitments.

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: 7/7/10

Sincerely,



Brian J. O'Grady
Vice President-Nuclear
and Chief Nuclear Officer

/em

Attachment

cc:

Regional Administrator w/attachment
USNRC - Region IV

Senior Resident Inspector w/attachment
USNRC - CNS

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

NPG Distribution w/o attachment

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

CNS Records w/attachment

Request for Exemption from Physical Security Requirements

A. Background

The Nuclear Regulatory Commission (NRC) 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 were to be implemented by March 31, 2010. Nebraska Public Power District (NPPD) evaluated those new requirements and determined that many of the requirements could be implemented within the required implementation period. However, NPPD determined that implementation of specific requirements needed additional time beyond March 31, 2010, and requested an exemption from the Final Rule implementation deadline until August 31, 2010. In February 2010, the NRC approved NPPD's exemption request. Since then, wet weather and recent flooding of the Missouri River have significantly impacted construction activities. Because of the impact of weather on the Project, implementation of the remaining requirements is now projected to require additional time. NPPD is therefore requesting an exemption until December 31, 2010 for three specific requirements of the 10 CFR 73.55 Final Rule.

B. Specific Impact of Weather

The impact of the adverse weather and flooding on the scope of work detailed in Reference 1 Attachment Section D, Basis for Proposed Exemption, is summarized as follows for each activity:

[]

The Part 73 provisions required to be implemented by March 31, 2010, were completed by the required compliance date except for the items related to the previous exemption described in Section C below. These items, subject to the request for an exemption, are expected to be implemented by December 31, 2010. Cooper Nuclear Station (CNS) will then be in full compliance with the Final Rule.

C. Proposed Exemption

NPPD requests an exemption for CNS, from []. NPPD is seeking a schedular exemption from []. 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 were implemented by March 31, 2010, 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.

D. Basis for Proposed Exemption

The basis for requesting this additional exemption until December 31, 2010, is the adjustment of the schedule due to challenges experienced from winter weather conditions, heavy spring rains, high ground water table, and Missouri River unseasonably high levels and flooding. The delays from these external events were beyond our control and were not anticipated in the original schedule. The new schedule includes adjustments to completion of []. The schedule has been developed based on current information and anticipated impediments to construction and includes a margin of uncertainty due to weather. Therefore, we are requesting this exemption until December 31, 2010 to allow an approximate seven week margin for weather delays.

Table 1 updates the high level project schedule provided by Reference 1 for the physical modifications associated with the specific items for which an exemption is requested.

Table 1 - High Level Project Schedule
[]

The dates provided are best estimates based on information available at the time the schedule was developed. Therefore, these schedule dates are not considered to be regulatory commitments.

E. 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 August 31, 2010 (authorized by a previous exemption) to December 31, 2010. The proposed exemption is needed to allow additional time for the design and installation of security modifications.

CNS's current security program, including the new requirements that were 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.

In 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.

Correspondence Number: NLS2010065

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		