



Nebraska Public Power District

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NLS2014022
March 14, 2014

50.90

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

Subject: License Amendment Request - Revision of Cyber Security Plan Implementation Schedule
Cooper Nuclear Station, Docket No. 50-298, DPR-46

- References:**
1. Letter from Brian J. O'Grady, Nebraska Public Power District, to U.S. Nuclear Regulatory Commission, dated March 30, 2011, "Response to Request for Additional Information Regarding Revision to the Renewed Facility Operating License and Request for Review and Approval of the Cyber Security Plan"
 2. Letter from Lynnea E. Wilkins, U.S. Nuclear Regulatory Commission, to Brian J. O'Grady, Nebraska Public Power District, dated July 27, 2011, "Cooper Nuclear Station - Issuance of Amendment Re: Approval of Cyber Security Plan (TAC No. ME4270)"

Dear Sir or Madam:

The purpose of this letter is for Nebraska Public Power District (NPPD) to request an amendment to Facility Operating License (FOL) DPR-46 for Cooper Nuclear Station (CNS) to revise the Physical Protection license condition as it relates to the cyber security plan. This License Amendment Request (LAR) proposes a change to the CNS Cyber Security Plan (CSP) Milestone 8 implementation date as set forth in the CNS Cyber Security Plan Implementation Schedule submitted via Reference 1 and approved by the Nuclear Regulatory Commission (NRC) in Reference 2.

Attachment 1 provides an analysis of the proposed change. NPPD requires additional time to fully implement aspects of the CSP as described in the Technical Evaluation in Attachment 1. Attachment 2 contains the existing FOL page marked-up to show the proposed change to the Physical Protection license condition. Attachment 3 contains the updated FOL change in final typed format. Attachment 4 is a proposed revision to the CNS Cyber Security Plan Implementation Schedule for Milestone 8.

NOTE: Attachments 1 (Sections 1, 2, and 3) and 4 to this letter contain Security-Related Information. Upon separation from these attachments, the cover letter and remainder of the document are decontrolled.

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Attachment 1 (Sections 1, 2, and 3) and Attachment 4 contain security-related information (SRI); therefore, NPPD requests that these attachments be withheld from public disclosure in accordance with 10 CFR 2.390.

The proposed changes have been evaluated in accordance with 10 CFR 50.91(a)(1) using criteria in 10 CFR 50.92(c), and it has been determined that the changes do not involve a significant hazards consideration. The basis for this determination is included in Attachment 1.

NPPD requests approval of this LAR by December 15, 2014, to be effective as of its date of issuance. Although this request is neither exigent nor emergency, your review and approval is requested in advance of the current completion date for implementation of Milestone 8.

The proposed change has been reviewed by the necessary safety review committees (Station Operations Review Committee and Safety Review and Audit Board). Amendments to the FOL through Amendment 247 issued September 12, 2013, have been incorporated into this request. This request is submitted under affirmation pursuant to 10 CFR 50.30(b).

This letter contains no regulatory commitments, as NPPD understands that implementation of the CSP in accordance with the NRC-approved CSP implementation schedule is required by the FOL and any changes require prior NRC approval pursuant to 10 CFR 50.90.

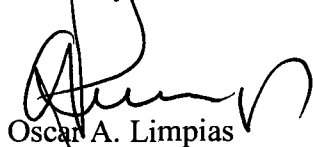
By copy of this letter and its attachments, the appropriate State of Nebraska official is notified in accordance with 10 CFR 50.91(b)(1). Copies are also being provided to the NRC Region IV office and the CNS Resident Inspector in accordance with 10 CFR 50.4(b)(1).

Should you have any questions concerning this letter, or require additional information, please contact David Van Der Kamp, Licensing Manager, at (402) 825-2904.

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

Executed on: 03/14/14

Sincerely,



Oscar A. Limpas
Vice President - Nuclear and
Chief Nuclear Officer

/lb

NOTE: Attachments 1 (Sections 1, 2, and 3) and 4 to this letter contain Security-Related Information. Upon separation from these attachments, the cover letter and remainder of the document are decontrolled.

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Attachments: 1. Analysis of Proposed Operating License Change (contains SRI)
2. Proposed Facility Operating License Change (Mark-up)
3. Proposed Facility Operating License Change (Re-typed)
4. Revised Cyber Security Plan Implementation Schedule (contains SRI)

cc: Regional Administrator w/attachments
USNRC - Region IV

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

Senior Resident Inspector w/attachments
USNRC - CNS

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

NPG Distribution w/o attachments

CNS Records w/attachments

NOTE: Attachments 1 (Sections 1, 2, and 3) and 4 to this letter contain Security-Related Information. Upon separation from these attachments, the cover letter and remainder of the document are decontrolled.

Attachment 2

Proposed Facility Operating License Change
(Mark-up)

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

Revised Facility Operating License Page

Page 3 of 5

- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2419 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 247, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Cooper Nuclear Station Safeguards Plan," submitted by letter dated May 17, 2006.

NPPD shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The NPPD CSP was approved by License Amendment No. 238 as supplemented by a change approved by License Amendment No. 244.

changes approved by License Amendments 244 and xxx.

(4) Fire Protection

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Cooper Nuclear Station (CNS) Updated Safety Analysis Report and as approved in the Safety Evaluations dated November 29, 1977; May 23, 1979; November 21, 1980; April 29, 1983; April 16, 1984; June 1, 1984; January 3, 1985; August 21, 1985; April 10, 1986; September 9, 1986; November 7, 1988; February 3, 1989; August 15, 1995; and July 31, 1998, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

Attachment 3

Proposed Facility Operating License Change
(Re-typed)

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

Revised Facility Operating License Page

Page 3 of 5

- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2419 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 247, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

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NPPD shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The NPPD CSP was approved by License Amendment No. 238 as supplemented by changes approved by License Amendments 244 and xxx.

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The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Cooper Nuclear Station (CNS) Updated Safety Analysis Report and as approved in the Safety Evaluations dated November 29, 1977; May 23, 1979; November 21, 1980; April 29, 1983; April 16, 1984; June 1, 1984; January 3, 1985; August 21, 1985; April 10, 1986; September 9, 1986; November 7, 1988; February 3, 1989; August 15, 1995; and July 31, 1998, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

4.0 REGULATORY EVALUATION

4.1 Applicable Regulatory Requirements/Criteria

10 CFR 73.54 requires licensees to maintain and implement a cyber security plan. Cooper Nuclear Station (CNS) Facility Operating License DPR-46 includes a Physical Protection license condition that requires Nebraska Public Power District to fully implement and maintain in effect all provisions of the Commission-approved cyber security plan, including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The CNS Cyber Security Plan and associated implementation schedule were approved by the Nuclear Regulatory Commission (NRC) on July 27, 2011, via License Amendment 238, as supplemented by License Amendment 244 issued December 13, 2012. Any change to the Commission-approved implementation schedule requires prior NRC approval pursuant to 10 CFR 50.90.

4.2 Precedent

While CNS is aware of other licensees requesting changes to the Milestone 8 completion date, no approved precedents were identified.

4.3 Significant Safety Hazards Consideration

Nebraska Public Power District (NPPD) is requesting an amendment to the Cooper Nuclear Station (CNS) Facility Operating License (FOL) to revise the Physical Protection license condition as it relates to the cyber security plan. This change includes a proposed revision to the completion date for Milestone 8 of the Commission-approved CNS Cyber Security Plan Implementation Schedule and a proposed revision to the CNS FOL to include the proposed schedule change. Specifically, NPPD proposes to change the completion date for full implementation of the CNS Cyber Security Plan (CSP).

NPPD has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

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

Response: No

The proposed change to the CSP Implementation Schedule is administrative in nature. The revision of the CNS CSP Implementation Schedule does not alter any previously evaluated design basis accident analysis assumptions, add any accident initiators, modify the function of plant safety-related structures, systems, or components (SSCs), or affect how any plant safety-related SSCs are operated, maintained, modified, tested, or inspected. The proposed change does not require

any plant modifications which affect the performance capability of SSCs relied upon to mitigate the consequences of postulated accidents and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does 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 change to the CSP Implementation Schedule is administrative in nature. The revision of the CNS CSP Implementation Schedule does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

Response: No

The margin of safety is associated with the ability of the fission product barriers (i.e., fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment does not alter the way any safety-related SSC functions and does not alter the way the plant is operated. The proposed amendment does not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment has no effect on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment will not degrade the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a reduction in a margin of safety.

Based on the above, NPPD concludes that the proposed change 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.

4.4 Conclusion

In conclusion, based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

5.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment revises the completion date for a CNS Cyber Security Plan Implementation Schedule milestone. The proposed amendment meets the eligibility criterion for a categorical exclusion set forth in 10 CFR 51.22(c)(12). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

6.0 REFERENCES

- 6.1 Letter from Brian J. O'Grady, Nebraska Public Power District, to U.S. Nuclear Regulatory Commission, dated March 30, 2011, "Response to Request for Additional Information Regarding Revision to the Renewed Facility Operating License and Request for Review and Approval of the Cyber Security Plan"
- 6.2 Letter from Lynnea E. Wilkins, U.S. Nuclear Regulatory Commission, to Brian J. O'Grady, Nebraska Public Power District, dated July 27, 2011, "Cooper Nuclear Station - Issuance of Amendment Re: Approval of Cyber Security Plan (TAC No. ME4270)"
- 6.3 Memorandum from Barry Westreich, U.S. Nuclear Regulatory Commission, to Directors, Division of Reactor Safety, U. S. Nuclear Regulatory Commission, dated July 1, 2013, "Enhanced Guidance for Licensee Near-Term Corrective Actions to Address Cyber Security Inspection Findings and Licensee Eligibility for 'Good Faith' Attempt Discretion"
- 6.4 Memorandum from Russell Felts, U.S. Nuclear Regulatory Commission, to Barry Westreich, U.S. Nuclear Regulatory Commission, dated October 24, 2013, "Review Criteria for Title 10 of the Code of Federal Regulations Part 73.54, Cyber Security Implementation Schedule Milestone 8 License Amendment Requests"