



Fort Calhoun Station
P.O. Box 550, Highway 75
Fort Calhoun, NE 68023-0550

February 6, 2004
LIC-04-0017

U.S. Nuclear Regulatory Commission
ATTN.: Document Control Desk
Washington, DC 20555-0001

Reference: Docket No. 50-285

SUBJECT: Fort Calhoun Station Unit No. 1 License Amendment Request, "Extension of Implementation Period for License Amendment 224"

Pursuant to 10 CFR 50.90, Omaha Public Power District (OPPD) hereby transmits an application for exigent amendment to the Fort Calhoun Station (FCS) Unit 1 Operating License. OPPD proposes to extend the implementation period associated with Amendment 224 from 30 days to 120 days.

The proposed change has been evaluated in accordance with 10 CFR 50.91(a)(1) using criteria in 10 CFR 50.92(c); it has been determined that this change involves no significant hazards considerations. The bases for these determinations, information supporting the change, a no significant hazards consideration, and an environmental consideration are included. No new regulatory commitments are included in this application.

Attachment 1 provides the No Significant Hazards Evaluation and the technical bases for this requested change. The exigency and why it could not have been avoided are addressed in Attachment 2 pursuant to 10 CFR 50.91(a)(6)(vi).

OPPD requests approval and issuance of the proposed license amendment on an exigent basis no later than February 13, 2004.

A501

I declare under penalty of perjury that the forgoing is true and correct. (Executed on February 6, 2004.)

If you have any questions or require additional information, please contact T. C. Matthews of my staff at 402-533-6938.

Sincerely,



R. T. Ridenboure
Vice President

TCM/tcm

Attachments

1. OPPD Evaluation for Amendment of Operating License
2. Explanation of the Exigency and Why the Situation Could Not Have Been Avoided

c: B. S. Mallett, NRC Regional Administrator, Region IV
A. B. Wang, NRC Project Manager
J. G. Kramer, NRC Senior Resident Inspector
Division Administrator, Public Health Assurance, State of Nebraska

Attachment 1
OPPD Evaluation
For
Extension of Implementation Period Associated with Amendment 224

- 1.0 INTRODUCTION
- 2.0 DESCRIPTION OF PROPOSED AMENDMENT
- 3.0 BACKGROUND
- 4.0 REGULATORY REQUIREMENTS AND GUIDANCE
- 5.0 TECHNICAL ANALYSIS
- 6.0 REGULATORY ANALYSIS
- 7.0 NO SIGNIFICANT HAZARDS CONSIDERATION (NSHC)
- 8.0 ENVIRONMENTAL CONSIDERATION
- 9.0 PRECEDENCE
- 10.0 REFERENCES

1.0 INTRODUCTION

This letter is a request to amend Operating License DPR-40 for the Fort Calhoun Station (FCS) Unit No. 1.

Omaha Public Power District (OPPD) proposes to extend the implementation period associated with Amendment 224 from 30 days to 120 days. Because of unforeseen equipment problems, OPPD will probably be unable to complete all modifications associated with the measurement uncertainty recapture power uprate and comply with the Item 3 (page 2) of Amendment 224. This item states "The license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance."

2.0 DESCRIPTION OF PROPOSED AMENDMENT

The proposed change is as follows:

Revise the implementation period noted in Item 3 of Amendment 224 from 30 days to 120 days. This item now reads "The license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance." The requested wording is "The license amendment is effective as of its date of issuance and shall be implemented within 120 days of issuance."

3.0 BACKGROUND

Amendment 224 of FCS Unit 1 Operating License DPR-40 was approved and issued by the Nuclear Regulatory Commission (NRC) on January 16, 2004. This amendment approved a measurement uncertainty recapture (MUR) power uprate by revising the renewed operating license and the Technical Specifications to increase the licensed rated power by 1.6 percent from 1500 megawatts thermal (MWt) to 1524 MWt.

The MUR power uprate at FCS is based on decreased instrument uncertainty provided in part by installation of a CROSSFLOW ultrasonic flow measurement system.

Amendment 224 was issued in response to the OPPD license amendment request (application) dated July 18, 2003, as revised by letter dated August 28, 2003, and supplemented by letters dated October 31 and December 15, 2003. In the July 18th application, OPPD requested an implementation period of 60 days; this request was not changed in the subsequent letters. Included in the Regulatory Commitments contained in the application was the following statement: "Modifications associated with the MUR power uprate will be completed prior to implementation."

The CROSSFLOW system installation and testing proceeded under the FCS plant modification process during NRC review of the application. Problems encountered during the testing included a small discrepancy in main feedwater flow readings from the CROSSFLOW system. Just prior to final NRC approval and issuance of Amendment 224, the NRC Project Manager requested via telephone the desired implementation period. The OPPD response was that a 30-day implementation period would be sufficient. This was because the OPPD implementation plan for completing the MUR power uprate project called for completion well within 30 days of NRC approval, and because OPPD at that point did not know that the CROSSFLOW discrepancy would be difficult to resolve within the implementation period. The 30-day implementation period was subsequently included by NRC in Item 3 of Amendment 224, which was approved and issued on January 16, 2004.

OPPD has decided that the aforementioned problem must be resolved prior to declaring the CROSSFLOW modification complete and operable, and prior to raising reactor power from 1500 MWt to 1524 MWt. The problem is still unresolved at present; troubleshooting by the vendor and OPPD is ongoing, but there is a strong possibility that OPPD will not complete the CROSSFLOW modification prior to the end of the 30-day implementation period. In order to allow ample time for identification and resolution of the problem's root cause, an extension of the implementation period to 120 days is being requested.

4.0 REGULATORY REQUIREMENTS AND GUIDANCE

OPPD could find no published regulatory requirements or guidance on revising the implementation periods associated with license amendments. Verbal guidance from the NRC Project Manager for this situation is (1) the only way to extend the Amendment 224 implementation period is through a license amendment request, (2) this amendment request must be approved prior to the end of the original 30-day implementation period in order to avoid a violation of Item 3 in Amendment 224, and (3) an exigent amendment request is appropriate.

5.0 TECHNICAL ANALYSIS

Technical analysis of this proposed change is not applicable. The proposed change is purely administrative.

6.0 REGULATORY ANALYSIS

NRC approval to raise licensed reactor power to 1524 MWt is contingent on operability of the CROSSFLOW system, as documented in the OPPD application and the NRC Safety Evaluation Report that supports License Amendment 224. Amendment 224 is approved by the NRC but not yet implemented by OPPD. The proposed exigent amendment extends the implementation period specified in Item 3 of Amendment 224 from 30 days to 120 days, and will allow OPPD to meet the

regulatory commitment that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment is purely administrative and has no technical or safety aspects. The exigency and why it could not have been avoided are addressed in Attachment 2 pursuant to 10 CFR 50.91(a)(6)(vi).

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.

7.0 NO SIGNIFICANT HAZARDS CONSIDERATION

OPPD has evaluated whether or not a significant hazards consideration is involved with the proposed amendment(s) 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 exigent amendment extends the implementation period specified in Item 3 of Amendment 224 and will allow OPPD to meet the regulatory commitment that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment is purely administrative and has no technical or safety aspects.

- 2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?**

Response: No.

The proposed exigent amendment extends the implementation period specified in Item 3 of Amendment 224 and will allow OPPD to meet the regulatory commitment that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment is purely administrative and has no technical or safety aspects.

- 3. Does the proposed change involve a significant reduction in a margin of safety?**

Response: No.

The proposed exigent amendment extends the implementation period specified in Item 3 of Amendment 224 and will allow OPPD to meet the regulatory commitment that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment is purely administrative and has no technical or safety aspects.

Based on the above, OPPD 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.

8.0 ENVIRONMENTAL CONSIDERATION

The proposed exigent amendment extends the implementation period specified in Item 3 of Amendment 224, and will allow OPPD to meet the regulatory commitment that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment is purely administrative and has no technical or safety aspects. The changes meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) for the following reasons:

- As demonstrated in Section 7.0, the proposed amendment does not involve a significant hazards consideration.
- The proposed amendment does not result in a significant change in the types or increase in the amounts of any effluents that may be released off-site. Also, the change does not introduce any new effluents or significantly increase the quantities of existing effluents. As such, the change cannot significantly affect the types or amounts of any effluents that may be released off-site.
- The proposed amendment does not result in a significant increase in individual or cumulative occupational radiation exposure. The proposed change does not result in any physical plant changes. No new surveillance requirements are anticipated as a result of these changes that would require additional personnel entry into radiation controlled areas. Therefore, the amendment has no significant affect on either individual or cumulative occupational radiation exposure.

Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

9.0 PRECEDENCE

Wolf Creek Generating Station

By letter dated November 30, 1999, the NRC approved an extension of the implementation date for Amendment 120 to Operating License NPF-42. This was in response to the licensee application dated September 21, 1999, as supplemented by a letter dated November 5, 1999.

Susquehanna Steam Electric Station

By letter dated October 29, 2001, the NRC approved changes to the implementation date for Amendment 184 to Operating License NPF-14 for Unit 1 and Amendment 158 to Operating License NPF-22 for Unit 2. This was based on an August 31, 2001, request from PPL Susquehanna, LLC (the licensee).

10.0 REFERENCES

- 10.1 Letter from OPPD (W. G. Gates) to NRC (Document Control Desk) dated July 18, 2003 (LIC-03-0067)
- 10.2 Letter from OPPD (S. K. Gambhir) to NRC (Document Control Desk) dated August 28, 2003 (LIC-03-0122)
- 10.3 Letter from OPPD (S. K. Gambhir) to NRC (Document Control Desk) dated October 31, 2003 (LIC-03-0148)
- 10.4 Letter from OPPD (S. K. Gambhir) to NRC (Document Control Desk) dated December 15, 2003 (LIC-03-0164)
- 10.5 Letter from NRC (A. B. Wang) to OPPD (R. T. Ridenoure), Amendment 224 to Fort Calhoun Station, Unit No. 1 Operating License DPR-40, dated January 16, 2004 (NRC-04-005) (ADAMS Accession #ML040200757).

Attachment 2

Explanation of the Exigency and Why the Situation Could Not Have Been Avoided

Amendment 224 of FCS Unit 1 Operating License DPR-40 was approved and issued by the Nuclear Regulatory Commission (NRC) on January 16, 2004. This amendment approved a measurement uncertainty recapture (MUR) power uprate by revising the renewed operating license and the Technical Specifications to increase the licensed rated power by 1.6 percent from 1500 megawatts thermal (MWt) to 1524 MWt.

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OPPD has decided that the aforementioned problem must be resolved prior to declaring the CROSSFLOW modification complete and operable, and prior to raising reactor power from 1500 MWt to 1524 MWt. The problem is still unresolved at present; troubleshooting by the vendor and OPPD is ongoing, but there is a strong possibility that OPPD will not complete the CROSSFLOW modification prior to the end of the 30-day implementation period. In order to allow ample time for identification and resolution of the problem's root cause, an extension of the implementation period to 120 days is being requested.

Verbal guidance from the NRC Project Manager for this situation is (1) the only way to extend the Amendment 224 implementation period is through a license amendment request, (2) this amendment request must be approved prior to the end of the original 30-day implementation period in order to avoid a violation of Item 3 in Amendment 224, and (3) an exigent amendment request is appropriate.