

February 13, 2004

Mr. R. T. Ridenoure
Division Manager - Nuclear Operations
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
Post Office Box 550
Fort Calhoun, NE 68023-0550

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 - ISSUANCE OF AMENDMENT
(TAC NO. MC1949)

Dear Mr. Ridenoure:

The Commission has issued the enclosed Amendment No. 225 to Renewed Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit No. 1. The amendment is in response to your application dated February 6, 2004.

The amendment changes the implementation date from 30 days to 120 days for Amendment No. 224 issued on January 16, 2004, that approved a measurement uncertainty uprate to increase the licensed rated power by 1.6 percent from 1500 megawatts thermal (MWt) to 1524 MWt.

A copy of the related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Alan B. Wang, Project Manager, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-285

Enclosures: 1. Amendment No. 225 to DPR-40
2. Safety Evaluation

cc w/encls: See next page

Ft. Calhoun Station, Unit 1

cc:

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NRR-058

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DATE	2/10/04	2/10/0-4	2/11/04	2/13/04

OMAHA PUBLIC POWER DISTRICT

DOCKET NO. 50-285

FORT CALHOUN STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 225
License No. DPR-40

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Omaha Public Power District (the licensee) dated February 6, 2004, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, by Amendment No. 225, the license is amended to extend the full implementation date of Amendment No. 224, issued January 16, 2004, to be within 120 days.

3. The license amendment is effective as of its date of issuance and the fully implemented date for Amendment No. 224 (issued January 16, 2004) is changed to be within 120 days. Modifications associated with the measurement uncertainty recapture power uprate include: (1) implementation of control room alarm functions, and (2) Figure 2-1 of the Pressure-Temperature Limits Report will be revised prior to the reactor vessel reaching 39.9 effective full power years of operation.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA by J.N. Donohew for/
Stephen Dembek, Chief, Section 2
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Date of Issuance: February 13, 2004

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 225 TO RENEWED FACILITY OPERATING

LICENSE NO. DPR-40

OMAHA PUBLIC POWER DISTRICT

FORT CALHOUN STATION, UNIT NO. 1

DOCKET NO. 50-285

1.0 INTRODUCTION

By application dated February 6, 2004, Omaha Public Power District (OPPD) requested an extension to the full implementation date for Amendment No. 224, issued January 16, 2004, to the Technical Specifications (TS) (Appendix A to Renewed Facility Operating License No. DPR-40) for the Fort Calhoun Station, Unit No. 1 (FCS). The proposed change would extend the implementation date by up to 90 days. There are no proposed changes to the technical specifications.

2.0 REGULATORY EVALUATION

The proposed change extends the implementation period as stated in Amendment No. 224. This change has no technical or safety aspects. The staff notes that this amendment does not change the requirements in Amendment No. 224 in that the measurement uncertainty uprate (MUR) cannot be implemented until all modifications associated with the power uprate are completed.

In issuing an amendment to an operating license, the NRC staff states when the amendment is effective and when the amendment must be implemented. These dates are given in Enclosure 1 of the amendment and are part of the operating license. As such, a change to the implementation date is a change to the operating license for the plant. Although there are no regulatory requirements on the implementation date specified in an amendment, the licensee is required by the operating license to fully implement the amendment by the date specified (i.e., by a date no later than that specified) or be in violation of its operating license.

3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendment which are described in Sections 4.0 and 5.0 of the licensee's February 6, 2004, submittal. The evaluation below supports the conclusion that: (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.

Amendment No. 224 to Renewed Facility Operating License No. DPR-40 was approved and issued by the NRC on January 16, 2004. Amendment No. 224 was issued in response to OPPD's application dated July 18, 2003, as revised by letter dated August 28, 2003, and supplemented by letters dated October 31 and December 15, 2003. Amendment No. 224 approved an MUR power uprate by revising the renewed operating license and the TS 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. A 30-day implementation period was approved in Amendment No. 224.

The regulatory commitments contained in the MUR application stated the following: "Modifications associated with the MUR power uprate will be completed prior to implementation." OPPD's implementation plan for completing the MUR power uprate project called for completion within 30 days of issuance of Amendment No. 224. The CROSSFLOW system installation and testing has proceeded under the FCS plant modification process. However, OPPD did not anticipate that any CROSSFLOW discrepancies could not be resolved within the 30-day implementation period. Problems have been encountered during the testing period, including a small discrepancy in the main feedwater flow readings from the CROSSFLOW system.

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 the present time; troubleshooting by the vendor and OPPD is ongoing, and OPPD will not be able to complete the CROSSFLOW modification prior to the end of the 30-day implementation period stated in Amendment No. 224.

OPPD has requested an extension of the implementation period from 30 days to 120 days to identify and correct problems regarding the MUR modifications. During this period, OPPD will continue to operate FCS at pre-MUR conditions. Therefore, the plant will be operated at the current pre-MUR licensed thermal power level (1500 MWt) and use existing instrumentation. No TS limits have been changed nor any equipment or components modified. As long as the plant maintains the current licensed power level of 1500 MWt, there is no reason that the MUR modifications need to be completed by February 15, 2004. This change has no technical or safety aspects. The only change in this amendment is to the implementation date and all other license conditions were maintained. Based on the above, the NRC staff concludes that the proposed amendment is acceptable.

4.0 EXIGENT CIRCUMSTANCES

The Commission's regulations, 10 CFR 50.91, contain provisions for issuance of amendments when the usual 30-day public notice period cannot be met. One type of special exception is an exigency. An exigency is a case where the staff and licensee need to act promptly. In this case, the licensee cannot implement an amendment within the implementation date agreed

upon and a new date must be agreed upon or the licensee will be in violation of its operating license. Pursuant to 10 CFR 50.91(a)(6), the licensee requested the proposed amendment on an exigent basis.

Under such circumstances, the Commission notifies the public in one of two ways: by issuing a *Federal Register* notice providing an opportunity for hearing and allowing at least two weeks for prior public comments, or by issuing a press release discussing the proposed changes, using local media. In this case, the Commission used the second approach.

Amendment No. 224 to Renewed Facility Operating License DPR-40 was approved and issued by the NRC on January 16, 2004. The amendment approved an MUR power uprate by revising the renewed operating license and the TS to increase the licensed rated power by 1.6 percent from 1500 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.

The regulatory commitments contained in the MUR application stated the following: "Modifications associated with the MUR power uprate will be completed prior to implementation." A 30-day implementation period was included in Amendment No. 224, which included this commitment. The OPPD implementation plan for completing the MUR power uprate project called for completion within 30 days of NRC approval, because OPPD at that point did not know that any discovered CROSSFLOW discrepancies could not be resolved within the implementation period. The CROSSFLOW system installation and testing has proceeded under the FCS plant modification process. OPPD has encountered problems during the testing, including a small discrepancy in main feedwater flow readings from the CROSSFLOW system. 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 the present time; troubleshooting by the vendor and OPPD is ongoing, but OPPD will not be able to 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 from 30 days to 120 days is needed. Therefore, OPPD requested an exigent TS change to extend the original 30-day implementation period in order to avoid a violation of its operating license.

There were no public comments in response to the notice published in the Omaha-World Herald on February 11, 2004.

5.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations in 10 CFR 50.92 state that the Commission may make a final determination that a license amendment involves no significant hazards considerations if operation of the facility in accordance with the amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in margin of safety.

Operation of the facility in accordance with the proposed amendment will not involve a

significant increase in the probability or consequences of an accident evaluated. The proposed exigent amendment extends the implementation period specified in Amendment No. 224 and will allow OPPD to meet the license requirement that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment has no technical or safety aspects. Therefore, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

Operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed exigent amendment extends the implementation period specified in Amendment No. 224 and will allow OPPD to meet the license requirement that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment has no technical or safety aspects. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of the facility in accordance with the amendment will not involve a significant reduction in the margin of safety. The proposed exigent amendment extends the implementation period specified in Amendment No. 224 and will allow OPPD to meet the license requirement that modifications associated with the MUR power uprate will be completed prior to implementation. The proposed amendment has no technical or safety aspects. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based upon the above considerations, the staff concludes that the amendment meets the three criteria of 10 CFR 50.92. Therefore, the staff has made a final determination that the proposed amendment does not involve a significant hazards consideration.

6.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Nebraska State official was notified of the proposed issuance of the amendment. The State official had no comments.

7.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has made a final finding that the amendment involves no significant hazards consideration. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). 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.

8.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (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.

Principal Contributor: A. Wang

Date: February 13, 2004