

June 27, 2006

Mr. R. T. Ridenoure
Vice President - Chief Nuclear Officer
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 EXIGENT
AMENDMENT RE: DELETION OF DESIGN FEATURES IN TECHNICAL
SPECIFICATIONS 4.3.1.2b AND 4.3.1.2c (TAC NO. MD2137)

Dear Mr. Ridenoure:

The U.S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 240 to Renewed Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit No. 1 (FCS). The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated June 2, 2006. The licensee requested that the amendment be approved under exigent circumstances.

The amendment deletes Technical Specifications (TSs) 4.3.1.2b and TS 4.3.1.2c of the FCS TSs. The amendment also made an administrative change to TS 4.3.1.2 to correct the current wording of TS 4.3.1.2 and TS 4.3.1.2d. TS 4.3.1.2 implied that more than one new fuel storage rack at FCS is installed when there is actually only one new fuel storage rack. In addition, Omaha Public Power District will complete additional enhancements of administrative controls for compliance with 10 CFR 50.68(b)(2) and (b)(3) prior to receipt of new fuel for the 2006 Refueling.

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
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-285

Enclosures: 1. Amendment No. 240 to DPR-40
2. Safety Evaluation

cc w/encls: See next page

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OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	ADES/SPWB/BC	ADRO/IOLB/BC	OGC	NRR/LPL4/BC
NAME	AWang	LFeizollahi	JNakoski	SGuenther	MZobcav	DTerao
DATE	06/13/06	06/13/06	6/8/06	06/14/06	06/16/06	06/19/06

OMAHA PUBLIC POWER DISTRICT

DOCKET NO. 50-285

FORT CALHOUN STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 240
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 June 2, 2006, 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, Renewed Facility Operating License No. DPR-40 is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 3.B. of Facility Operating License No. DPR-40.
3. The license amendment is effective as of its date of issuance and shall be implemented within 7 days of issuance. OPPD will complete additional enhancements of administrative controls for compliance with 10 CFR 50.68(b)(2) and (b)(3) prior to receipt of new fuel for the 2006 Refueling.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

David Terao, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications and Page 3 of the
Facility operating License No. DPR-40

Date of Issuance: June 27, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 240

RENEWED FACILITY OPERATING LICENSE NO. DPR-40

DOCKET NO. 50-285

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by an amendment number and contains vertical lines indicating the areas of change.

REMOVE

4.0 - Page 2

INSERT

4.0 - Page 2

Replace the following page of the Facility Operating License No. DPR-40 with the attached revised page. The revised page is identified by an amendment number and contains a vertical line indicating the area of change.

REMOVE

- 3 -

INSERT

- 3 -

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 240 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 June 2, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML061530473), Omaha Public Power District (OPPD) requested changes to the Technical Specifications (Appendix A to Renewed Facility Operating License No. DPR-40) for the Fort Calhoun Station, Unit No. 1 (FCS) under exigent circumstances.

The proposed amendment would delete Technical Specification (TS) 4.3.1.2b and TS 4.3.1.2c of the FCS TSs. The amendment also proposed an administrative change to TS 4.3.1.2 to correct the current wording of TS 4.3.1.2 and TS 4.3.1.2d. Specifically, the proposed changes would delete TS 4.3.1.2b and TS 4.3.1.2c, which contain requirements related to the estimated ratio of neutron production to neutron absorption and leakage (k_{eff}) of new fuel stored in the new fuel storage rack. These TSs require new fuel assemblies stored in the new fuel storage rack to remain subcritical if flooded with unborated water (TS 4.3.1.2b) or moderated by aqueous foam (TS 4.3.1.2c). OPPD also proposes an administrative change to TS 4.3.1.2. There is only one new fuel storage rack installed at FCS while the current wording of TS 4.3.1.2 and TS 4.3.1.2d implies that more than one rack is installed.

2.0 REGULATORY EVALUATION

FCS was licensed for construction prior to May 21, 1971, and at that time committed to the draft General Design Criteria (GDC). The draft GDC are contained in Appendix G of the FCS Updated Safety Analysis Report (USAR) and are similar to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), Appendix A, "General Design Criteria for Nuclear Power Plants." The draft GDC that govern prevention of fuel storage criticality at FCS is Criterion 66.

Criterion 66 - Prevention of Fuel Storage Criticality

Criticality in new and spent fuel storage shall be prevented by physical systems or processes. Such means as geometrically safe configurations shall be emphasized over procedural controls.

The criteria for the design of the spent fuel storage racks are that the k_{eff} of the fuel array shall remain less than or equal to 0.95 during normal use and in the event of postulated accidents or mishandling. The criteria for the design of the new fuel storage rack are that the k_{eff} of the fuel

array shall remain less than or equal to 0.95 during normal use and in the event of postulated flooding accidents, and less than or equal to 0.98 for the optimal moderated accident condition. This is consistent with 10 CFR 50.68, which allows credit for design features and/or administrative controls to prevent certain accident conditions from occurring.

The safe geometry criteria from the USAR are established as follows:

1. The receptacles or cavities containing the new or spent fuel assemblies will be arranged vertically in a square lattice, and the dimensions of the storage rack will be such that the clear space between adjacent receptacles will be sufficient to yield a k_{eff} less than or equal to 0.95 with unborated water.
2. The insertion of a new or spent fuel assembly into any part of a water slab between receptacles is prevented by the top frame. The openings in the top frame at each side of a receptacle are not large enough to receive a fuel element.
3. The vertical dimensions of the storage rack will be such that the top of the active fuel portion of the fuel assembly will be a sufficient distance below the top frame to assure that the k_{eff} is less than or equal to 0.95 even with a fresh fuel assembly located at the level of the top frame.
4. Distortion of the structure due to seismic loading shall be prevented by the use of lateral bracing so that there will be no reduction of the water slab between the cavities.

By letter dated March 17, 2006, OPPD stated it was in compliance with 10 CFR 50.68(b)(2) and (b)(3) regarding storage of new fuel in the new fuel storage rack. This was accomplished by a combination of design features and administrative controls. OPPD will complete additional enhancements for compliance with 10 CFR 50.68(b)(2) and (b)(3) prior to receipt of new fuel for the 2006 Refueling Outage. OPPD has committed to be in full compliance with 10 CFR 50.68 6 months after the completion of the fall 2006 refueling outage.

3.0 TECHNICAL EVALUATION

The new fuel storage rack is designed and analyzed to prevent inadvertent criticality assuming credit for design features and administrative controls. In addition, Criterion 66 of Appendix G of the FCS USAR reinforces prevention of criticality in fuel storage and handling. Fuel handling at FCS occurs only under strict procedural control and supervision, including the use of certified fuel handlers.

FCS operates on an 18-month refueling cycle. Therefore, new fuel is typically received and stored in the new fuel storage rack for 1 to 3 months out of 18. The new fuel storage rack is located south of the fuel transfer canal at the 1025-foot level of the Auxiliary Building in the New Fuel Receipt and Storage Room (Room 25A). The rack is on an elevated balcony above the general floor area to minimize the likelihood of flooding. The rack is vertically oriented to provide adequate drainage in the unlikely event that any water intrusion occurs. The rack is designed to hold 48 new fuel assemblies, which are stored dry. One cell has a manufacturing defect and is not utilized for storage. The spacing between the new fuel assemblies and the rack's solid neutron absorbers (BoralTM) is sufficient to maintain the dry fuel array subcritical.

Amendment No. 236 of the FCS Renewed Facility Operating License DPR-40 was approved and issued by the Nuclear Regulatory Commission (NRC) on October 3, 2005 (ADAMS Accession No. ML052850414). This amendment converted TS Section 4.0, "Design Features," to the format and content of NUREG-1432, Revision 3, "Standard Technical Specifications for Combustion Engineering Plants." To prevent a criticality accident, TS 4.3.1.2b and TS 4.3.1.2c were added and contained requirements related to the estimated ratio of neutron production to neutron absorption and leakage (k_{eff}) of new fuel stored in the new fuel storage rack. These TSs required that new fuel assemblies stored in the new fuel storage rack maintain k_{eff} less than or equal to 0.95 if the rack is flooded by unborated water and that k_{eff} be maintained less than or equal to 0.98 under the condition of optimum moderation resulting from filling the new fuel storage rack with low-density hydrogenous fluid. OPPD recently determined that the k_{eff} limits of TS 4.3.1.2b and 4.3.1.2c cannot be met and, therefore, OPPD cannot store new fuel in the new fuel storage rack.

As such OPPD has proposed to delete TSs 4.3.1.2b and 4.3.1.2c as these TSs are redundant to 10 CFR 50.68(b)(2) and (b)(3), respectively. In addition, these design requirements are also contained in Appendix G of the USAR (Criterion 66). As noted earlier, OPPD stated it was in compliance with 10 CFR 50.68(b)(2) and (b)(3) regarding storage of new fuel in the new fuel storage rack. In addition, OPPD has committed to be in full compliance with 10 CFR 50.68 6 months after the completion of the fall 2006 refueling outage. Paragraph 50.68(b)(2) and (b)(3) of 10 CFR allows OPPD to take credit for design features and/or administrative controls for criticality control, which is not allowed by the current TSs.

At FCS, with licensed enrichment levels, the special nuclear material in the fuel assemblies cannot achieve criticality without both a critical configuration and the presence of a moderator. OPPD has stated that optimal moderation can occur from either a water-based mist/fog (low-density hydrogenous fluid) or aqueous foam (AF) resulting from fire fighting in this area. AF is a fire-fighting agent. AF contains bubbles that act as a surfactant to coat and penetrate ordinary fuels e.g., wood, paper (Class A material) to prevent them from burning at normal temperatures. AF is also used on oil/gasoline (Class B material) fires. AF is applied using an eductor or compressed air foam system and is pumped through a fire hose to a foam nozzle (or sometimes a less-effective fog nozzle). AF will provide optimal moderation of nuclear fuel equivalent to a low-density hydrogenous fluid, which may also result from a water-based mist or fog. No other credible source of low-density hydrogenous fluid/AF exists. The source of unborated water is also assumed to be from fire fighting activities since no other source of unborated water sufficient to flood the rack is credible given its location and design. An automatic fire protection sprinkler system does not exist in this area and there is no automatic or unattended source of unborated water, low-density hydrogenous fluid, or AF to provide moderation.

For compliance with 10 CFR 50.68(b)(2) and (b)(3) when new fuel is stored in the new fuel storage rack, OPPD has developed administrative controls and will utilize them in an appropriate combination with design features to prevent the occurrence of moderation from unborated water and low-density hydrogenous fluid resulting from fire fighting activities. Examples of administrative controls that will be or have been implemented are as follows:

1. A plant procedure to provide guidance so that the new fuel storage rack is covered on both the top and sides with flame retardant, waterproof tarps whenever new fuel is stored there. The tarps minimize the penetration of foreign material as well as unborated water/low-density hydrogenous fluid/AF. Tarp(s) on top of the rack are removed to allow

access to the rack when new fuel receipt/storage is actively occurring. Tarps on the side remain in place at all times when new fuel is stored there. When fuel receipt/storage activities are complete or not occurring, the top tarp(s) are placed over the rack to protect the new fuel assemblies while they are unattended.

2. A plant procedure to state that permanent storage of combustible material is not allowed in the Auxiliary Building (which includes the New Fuel Receipt and Storage Room (Room 25A)) without a fire protection engineering review. The amount of transient combustible materials allowed in Room 25A and the Truck Bay (Room 25) and the duration that they may be used or stored there will also be limited by the procedure.
3. Appropriate plant procedures will be revised to not allow the use of AF near the new fuel storage rack whenever new fuel is stored there. Fire fighting water (unborated) may be used in the area because the elevation of the rack prevents flooding. The waterproof and flame retardant tarps minimize water and steam entry and reduce the likelihood of the formation of low-density hydrogenous fluid. In addition, the vertical orientation of the storage rack currently facilitates drainage.

An additional administrative control is available for the 2006 Refueling Outage. FCS has procured new control element assemblies (CEAs) for the upcoming operating cycle and these CEAs will be available for storage in the new fuel assemblies for additional reactivity control. This administrative control alone is estimated to provide k_{eff} less than or equal to 0.85 for the optimum moderation case. This will provide OPPD the flexibility with administrative controls that might not exist during other refueling outages.

OPPD has stated that additional procedural enhancements are necessary to consider the above administrative controls as fully implemented. Therefore, OPPD is making a regulatory commitment to complete these procedural enhancements and provide the necessary training prior to receipt of new fuel for the 2006 Refueling Outage.

The revision to TS 4.3.1.2 and TS 4.3.1.2d eliminates a discrepancy regarding the number of new fuel storage racks at FCS. FCS possesses only one new fuel storage rack and the elimination of this discrepancy is administrative in nature. The NRC staff has reviewed this change and agrees that it is administrative in nature and, therefore, is acceptable.

The NRC has confirmed that the criticality criteria in TSs 4.3.1.2b and 4.3.1.2c are redundant to 10 CFR 50.68(b)(2) and (b)(3), respectively. OPPD has stated it is in compliance with these sections of 10 CFR 50.68 and will be in full compliance with 10 CFR 50.68 6 months after the end of the fall 2006 outage. There is no automatic fire protection sprinkler system and there is no automatic or unattended source of unborated water, low-density hydrogenous fluid, or AF to provide moderation in Room 25A. During the short time, new fuel is stored in the new fuel storage rack, the design features and administrative controls described above preclude criticality even if a fire does occur.

In addition, to comply with 10 CFR 50.68, OPPD will utilize an appropriate combination of design features and administrative controls to prevent the occurrence of moderation from unborated water/low-density hydrogenous fluid/AF resulting from fire fighting activities. Additional enhancements are necessary to consider the administrative controls listed above as fully

implemented. OPPD is making a regulatory commitment to complete these enhancements and provide necessary training prior to receipt of new fuel for the 2006 Refueling Outage. Based on the above, the NRC staff concludes that the deletion of TSs 4.3.1.2b and 4.3.1.2c 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 NRC 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 2 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 and published a public notice in the local newspaper, Omaha World-Herald, on June 11, 2006.

On May 11, 2006, OPPD reviewed its Engineering Analysis (EA)-94-0029, Revision 0, "New Fuel Storage Rack Analysis," as part of proposed fuel design changes for the upcoming operating cycle. This required validation of criticality analyses for the spent fuel racks and new fuel storage rack. A review of the TS found that Amendment No. 236 had imposed new requirements associated with aqueous foam and flooding for the new fuel storage rack, which were not part of the previous design basis. Subsequently, it was determined that based on the 1994 analysis, the k_{eff} limits of TS 4.3.1.2c could not be met and the k_{eff} limits of TS 4.3.1.2b might not be met, without crediting design features and administrative controls.

FCS is scheduled to receive new fuel as early as July 11, 2006, for a refueling outage scheduled to begin September 9, 2006. It will be necessary to store this fuel in the new fuel storage rack. There is insufficient room remaining in the spent fuel pool storage racks to accommodate both full core offload and interim storage of the new fuel assemblies. It is impractical to delay receipt of new fuel without extremely adverse affects on pre-outage/outage activities and resources. Pre-outage activities that would be adversely affected include spent fuel dry cask loading, which takes place near the location of new fuel receipt/storage and presumes that new fuel receipt/storage activities are complete prior to loading the dry casks with spent fuel.

Because the scope of this refueling outage includes such major activities as the replacement of the steam generators, reactor vessel head, pressurizer, etc., personnel and equipment needed for new fuel receipt, inspection, and storage will not be available for new fuel receipt activities during the outage. Furthermore, delaying receipt of new fuel until later in the outage could significantly delay plant startup as it reduces the time necessary to resolve problems with the new fuel should they arise. Therefore, based on the above circumstances, OPPD requested an exigent TS change to delete TSs 4.3.1.2b and 4.3.1.2c .

There were no public comments in response to the notice published in the Omaha-World Herald on June 11, 2006.

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 a 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 previously evaluated. The revision to TSs 4.3.1.2 and TS 4.3.1.2d regarding the number of new fuel storage racks at FCS is an administrative change that has no nuclear safety implications. The probability of a criticality accident in the new fuel storage rack is not significantly increased by the deletion of Technical Specifications (TS) 4.3.1.2b and 4.3.1.2c. Compliance with the k_{eff} requirements of 10 CFR 50.68(b)(2) and (b)(3) as well as Criterion 66 of Appendix G of the USAR is maintained. The k_{eff} limits of 10 CFR 50.68(b)(2) and (b)(3) are identical to those of the deleted TS. However, 10 CFR 50.68(b)(2) and (b)(3) allow crediting of design features and/or administrative controls preventing the occurrence of flooding by unborated water or optimum moderation by low-density hydrogenous fluid. Compliance with 10 CFR 50.68(b)(2) and (b)(3) is achieved by a combination of design features and administrative controls as described above preventing flooding the rack with unborated water or optimum moderation by low-density hydrogenous fluid or AF while new fuel is stored in the new fuel storage rack. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any 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 revision to TSs 4.3.1.2 and TS 4.3.1.2d regarding the number of new fuel storage racks at FCS is an administrative change that has no nuclear safety implications. The deleted TSs require new fuel assemblies stored in the new fuel storage rack to remain subcritical if flooded with unborated water or moderated by AF. OPPD complies with 10 CFR 50.68(b)(2) and (b)(3), and Criterion 66, which have identical k_{eff} limits as the deleted TSs. In accordance with 10 CFR 50.68(b)(2) and (b)(3), and Criterion 66, OPPD utilizes design features and administrative controls as described above preventing flooding the new fuel storage rack with unborated water or optimum moderation by low-density hydrogenous fluid/AF while the rack is loaded with new fuel. Therefore, the proposed changes do 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 revision to TSs 4.3.1.2 and TS 4.3.1.2d regarding the number of new fuel storage racks at FCS is an administrative change that has no nuclear safety implications. Deletion of TS 4.3.1.2b and 4.3.1.2c does not involve a significant reduction in a margin of safety. This change does not eliminate the requirement to comply with k_{eff} limits imposed on storage of new fuel in the new fuel storage rack by 10 CFR 50.68(b)(2) and (b)(3), and Criterion 66. OPPD utilizes design features and administrative controls as described above preventing flooding the new fuel storage rack with unborated water or optimum moderation by low-density hydrogenous fluid/AF while the rack is loaded with new fuel. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based upon the above considerations, the NRC staff concludes that the amendment meets the three criteria of 10 CFR 50.92. Therefore, the NRC 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: Alan Wang

Date: June 27, 2006

Ft. Calhoun Station, Unit 1

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