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February 20, 2008
LIC-08-0012

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

References: 1. Docket No. 50-285
2. Fort Calhoun Station Renewed Facility Operating License DPR-40

SUBJECT: Clarification of Fort Calhoun Station Technical Specification 2.7(2)j

On Friday, February 1, 2008, Mr. J. L. McManis of my staff contacted Mr. J. A. Clark of NRC Region IV regarding the possibility that Omaha Public Power District (OPPD) could request enforcement discretion sometime that weekend. The potential enforcement discretion would have extended the allowed outage time (AOT) for emergency diesel generator DG-2 past the 7 days allowed by Fort Calhoun Station (FCS) Technical Specification (TS) 2.7(2)j. DG-2 had been in a planned maintenance outage since Monday, January 28, 2008, and complications during that maintenance could have delayed restoration to operability past the end of the AOT.

TS 2.7(2) j states:

Either one of the emergency diesel generators (DG-1 or DG-2) may be inoperable for up to seven days (total for both) during any month, provided there are no inoperable required engineered safeguards components associated with the operable diesel generator...

Later on February 1, 2008, Mr. Clark contacted Mr. McManis and informed him that NRC Region IV, the Office of Nuclear Reactor Regulation, and the Office of General Counsel had discussed this issue, and concluded that TS 2.7(2)j was sufficiently ambiguous so as to prevent the NRC from granting enforcement discretion. This was because the NRC could not determine when the TS AOT ended, due in part to the DG-2 maintenance outage extending from the last week of January into February, a new month. Ultimately, DG-2 was restored to operability within the TS AOT.

OPPD agrees that the TS wording, which dates from original issuance of the operating license, is open to interpretation. OPPD has had internal procedural guidance for many years to ensure appropriate application of the TS consistent with the original intent.

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Based on the events described above, OPPD has entered this issue into the FCS Corrective Action Program as Condition Report (CR) 2008-0497. As corrective action, OPPD plans to submit a clarifying license amendment request no later than May 1, 2008 to remove the ambiguity from TS 2.7(2j).

If you have any questions or require additional information, please contact T. C. Matthews at (402) 533-6938. This letter contains no regulatory commitments.

Sincerely,



R. P. Clemens
Division Manager - Nuclear Engineering

RPC/TCM/mle