



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 24, 2009

Mr. David J. Bannister
Vice President and CNO
Omaha Public Power District
Fort Calhoun Station
444 South 16th St. Mall
Omaha, NE 68102-2247

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 - ISSUANCE OF AMENDMENT RE:
ADOPTION OF TSTF-511, REVISION 0, "ELIMINATE WORKING HOUR
RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR
PART 26" (TAC NO. ME0595)

Dear Mr. Bannister:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 262 to Renewed Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit No. 1. The amendment modifies the Technical Specification (TSs) in response to your letter dated January 30, 2009.

The amendment deletes those portions of the TSs superseded by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I, consistent with NRC-approved TS Task Force (TSTF) change traveler TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." All administrative deviations from the model application were addressed in the application. The availability of this TS improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923), as part of the consolidated line item improvement process.

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,

A handwritten signature in cursive script that reads "Alan Wang".

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. 262 to DPR-40
2. Safety Evaluation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

OMAHA PUBLIC POWER DISTRICT

DOCKET NO. 50-285

FORT CALHOUN STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 262
Renewed 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 January 30, 2009, 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.

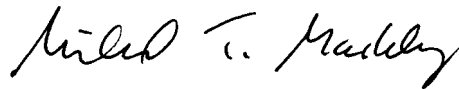
2. Accordingly, Renewed Facility Operating License No. DPR-40 is amended by changes as indicated in the attachment to this license amendment, and paragraph 3.B. of Renewed Facility Operating License No. DPR-40 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 262, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. The license amendment is effective as of its date of issuance and shall be implemented within 180 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Michael T. Markley, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Renewed Facility
Operating License No. DPR-40
and Technical Specifications

Date of Issuance: July 24, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 262
RENEWED FACILITY OPERATING LICENSE NO. DPR-40
DOCKET NO. 50-285

Replace the following pages of the Renewed Facility Operating License No. DPR-40, Appendix A, Technical Specifications, and Appendix B, Additional Conditions, with the attached revised pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

License Page

REMOVE

3

INSERT

3

Technical Specifications

REMOVE

5.0 – Page 2

INSERT

5.0 – Page 2

- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form for sample analysis or instrument calibration or when associated with radioactive apparatus or components;
 - (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by operation of the facility.
3. This renewed 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, Section 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and 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:
 - A. Maximum Power Level

Omaha Public Power District is authorized to operate the Fort Calhoun Station, Unit 1, at steady state reactor core power levels not in excess of 1500 megawatts thermal (rate power).
 - B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 262 are hereby incorporated in the license. Omaha Public Power District shall operate the facility in accordance with the Technical Specifications.
 - C. Security and Safeguards Contingency Plans

The Omaha Public Power District 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 plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Fort Calhoun Station Security Plan, Training and Qualification Plan, Safeguards Contingency Plan," submitted by letter dated May 19, 2006.

TECHNICAL SPECIFICATIONS

5.0 ADMINISTRATIVE CONTROLS

5.2 Organization (Continued)

- b. An Operator or Technician qualified in Radiation Protection Procedures shall be onsite when fuel is in the reactor.
- c. All core alterations shall be directly supervised by either a licensed Senior Reactor Operator or Senior Reactor Operator limited to fuel handling who has no other concurrent responsibilities during the operation.
- d. Fire protection program responsibilities are assigned to those positions and/or groups designated by asterisks in USAR 12.1-1 through 12.1-4 according to the procedures specified in Section 5.8 of the Technical Specifications.
- e. The Manager - Shift Operations, the Shift Managers, and the Control Room Supervisors shall hold a senior reactor operator license. The Licensed Operators shall hold a reactor operator license.

5.3 Facility Staff Qualification

- 5.3.1 Each member of the plant staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions, with the exception of the Manager - Radiation Protection (MRP) and the Shift Technical Advisor (STA), the senior reactor operator licensees, and the reactor operator licensees, who shall meet the requirements set forth in Regulatory Guide 1.8, Revision 3, dated May 2000, entitled "Qualification and Training of Personnel for Nuclear Power Plants."



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 262 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 January 30, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090340529), Omaha Public Power District (OPPD) (the licensee) requested changes to the Technical Specifications (TSs) for the Fort Calhoun Station (FCS), Unit No. 1. The proposed changes would delete those portions of the TSs superseded by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, Subpart I. The licensee stated that the application is consistent with U.S. Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) change traveler TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

The proposed TS had minor differences with TSTF-511, Revision 0 as FCS is a custom TS. Specifically, work hour restrictions are located in FCS TS 5.2.2, "Unit Staff," paragraph e. This differs from TSTF-511, Revision 0, where work hour restrictions are located in Standard Technical Specifications (STS) 5.2.2, paragraph d. In addition, the language used in FCS, TS 5.2.2, paragraph e, has limited variations from TSTF-511, STS 5.2.2, paragraph d. Those changes are as follows:

- Paragraph d of STS 5.2.2, contains an example list by title of the personnel performing safety-related functions. Paragraph e of FCS TS 5.2.2 does not list the titles of the personnel that it applies to but instead notes that administrative procedures shall reflect the personnel whose work hours are affected.
- Paragraph d of STS 5.2.2 states that the plant manager or plant manager's designee must authorize deviations from the guideline on working hours. Paragraph e of FCS TS 5.2.2 allows such deviations to be approved by the department manager, plant manager, or their designated alternates or by higher levels of management.

- Paragraph d of STS 5.2.2 requires the conduct of a periodic, independent review to ensure that excessive hours have not been assigned. Paragraph e of FCS TS 5.2.2 does not require that this review be independent but rather requires that the review be conducted by the department manager, plant manager, or their designated alternates or by higher levels of management.

The availability of this TS improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923), as part of the consolidated line item improvement process.

2.0 REGULATORY EVALUATION

The history of NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended 10 CFR Part 26 (73 FR 16966, March 31, 2008). Subpart I, "Managing Fatigue," of 10 CFR Part 26 provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC's regulatory requirements related to the content of the TSs are contained in 10 CFR Part 50.36. The regulations in 10 CFR 50.36 require that the TSs include items in the following categories related to station operation: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The NRC's guidance for the format and content of licensee TSs can be found in NUREG-1432, Revision 3.0, "Standard Technical Specifications Combustion Engineering Plants," referred to as the STS. Section 5 of the STS contains administrative controls. Paragraph d of Section 5.2.2 of the STS contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This paragraph represents NRC's guidance on how licensee TS requirements should address work hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for NRC to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede the guidance for requirements found in paragraph d of Section 5.2.2 of all STS. Subpart I distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I by October 1, 2009, as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511, Revision 0, proposed a change to STS that would delete paragraph d of STS 5.2.2. This change was approved in *Federal Register* notice on December 30, 2008 (73 FR 79923).

2.1 Adoption of TSTF-511, Revision 0, by FCS

Proper adoption of TSTF-511, Revision 0, and implementation of 10 CFR Part 26, Subpart I by OPPD will provide reasonable assurance that it will maintain limits on the working hours of personnel who perform safety-related functions. In its submittal dated January 30, 2009, OPPD made a commitment to remove the plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work hour controls for FCS are currently located in paragraph e of TS 5.2.2. When implemented, the regulatory requirements of 10 CFR 26, Subpart I replace the plant-specific TS requirements found in paragraph e of the current FCS TS 5.2.2.

The licensee proposed deleting paragraph e of current FCS TS 5.2.2 and make conforming changes to renumber the current paragraph f to be the new paragraph e of TS 5.2.2. The licensee has committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work hour controls. The NRC staff concludes that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment are best provided by the licensee's administrative processes, including its commitment management program (see NRC Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000). The regulatory commitment does not warrant the creation of regulatory requirements (i.e., items requiring prior NRC approval of subsequent changes).

The NRC staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in Section 2.0 of this safety evaluation. The NRC staff also compared the proposed change to the change made to the STS by TSTF-511, Revision 0. The NRC staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I concurrently with the deletion of TS work hour control requirements in its evaluation of the proposed change. Given the licensee's commitment, there is reasonable assurance that the licensee will comply with the regulations for work hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at FCS. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the NRC staff concludes the proposed change is acceptable.

4.0 REGULATORY COMMITMENT

In its January 30, 2009, letter, the licensee stated that it will make the following regulatory commitment:

Removal of the plant-specific TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements. This commitment will be completed no later than October 1, 2009.

The NRC staff concludes this commitment is acceptable.

5.0 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.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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. The Commission has previously issued a proposed finding of no significant hazards consideration and there has been no public comment on such finding published in the *Federal Register* on April 7, 2009 (74 FR 15775).

7.0 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 Contributors: K. Bucholtz
A. Lewin

Date: July 24, 2009

July 24, 2009

Mr. David J. Bannister
Vice President and CNO
Omaha Public Power District
Fort Calhoun Station
444 South 16th St. Mall
Omaha, NE 68102-2247

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Sincerely,

/RA/

Alan B. Wang, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
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Docket No. 50-285

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*3/24/09 SE memo

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