



444 South 16th Street Mall
Omaha, NE 68102-2247

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U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

Reference: Docket No. 50-285

SUBJECT: Request for One-Time Exemption from Requirements of 10 CFR 26.205(d)(7)

In accordance with the requirements of 10 CFR 26.9, the Omaha Public Power District (OPPPO) requests that the Nuclear Regulatory Commission (NRC) approve a one-time exemption for Fort Calhoun Station (FCS), Unit No. 1 from specific requirements of 10 CFR 26.205(d)(7). Currently, 10 CFR 26.205(d)(4) and (d)(5) permit the use of less restrictive working hour limitations during the first 60 days of a unit outage, in lieu of the requirements of 10 CFR 26.205(d)(7). The proposed exemption would allow the use of the less restrictive working hour limitations described in 10 CFR 26.205(d)(4) and (d)(5) to support activities required for plant startup from the current extended outage, for a period not to exceed 60 days. The proposed exemption would apply to the personnel performing the duties defined in 10 CFR 26.4(a)(1) through (a)(5).

OPPPO requests approval of this exemption request by November 10, 2012 in order to support the activities required to complete the current, extended outage.

Details and supporting analysis for the exemption request are provided in Attachment 1. An Environmental Assessment supporting the exemption request is provided in Attachment 2. Attachment 3 contains a regulatory commitment that will be applicable during the period of exemption to apply the limitations of 10 CFR 26.205(d)(4) and (d)(5) regarding minimum days off for covered personnel.

If you should have any additional questions or require additional information, please contact Mr. Bill Hansher at (402) 533-6894.

Sincerely,

Louis P. Cortopassi
Site Vice President and CNO

- Attachments: 1. Request for One-Time Exemption from Requirements of 10 CFR 26.205(d)(7)
2. Environmental Assessment
3. Regulatory Commitment List

Request for One-Time Exemption from Requirements of 10 CFR 26.205(d)(7)

Pursuant to 10 CFR 26.9, "Specific exemptions," the Omaha Public Power District (OPPD) hereby requests a one-time exemption from portions of 10 CFR 26.205(d)(7) for Fort Calhoun Station (FCS), Unit No. 1. Currently, 10 CFR 26.(d)(4) and (d)(5) permit the use of less restrictive working hour limitations during the first 60 days of a unit outage, in lieu of the requirements of 10 CFR 26.205(d)(7). The proposed exemption would allow the use of the less restrictive working hour limitations described in 10 CFR 26.205(d)(4) and (d)(5) for an additional period not to exceed 60 days to support activities required for plant startup from the current extended outage. The proposed exemption would apply to the personnel performing the duties defined in 10 CFR 26.4(a)(1) through (a)(5).

A. BACKGROUND

FCS, Unit No. 1 commenced a refueling outage on April 9, 2011. During the outage, unprecedented flooding in the Missouri River Basin resulted in FCS declaring an Unusual Event (UE) on June 6, 2011, which was exited on August 29, 2011 (Event Notification 46929).

The first 60 days of the outage during which the less restrictive work hour limitations of 10 CFR 26.205(d)(4) and (d)(5) were in effect, ended in June 2011. However, due to the declaration of the flooding emergency, work hour limitations were suspended until the UE was exited on August 29, 2011. Subsequently, the personnel performing the duties defined in 10 CFR 26.4(a)(1) through (a)(5) transitioned to an on-line schedule that complied with 10 CFR 26.205(d)(3). In August 2012, station procedures and processes were revised and an on-line schedule was implemented that complies with 10 CFR 26.205(d)(7) for maximum average work hours.

B. 10 CFR 26 REQUIREMENTS

The 10 CFR 26 requirements involved in the proposed exemption are described below.

10 CFR 26.4(a) defines the categories of individuals that are subject to the work hour controls specified in 10 CFR 26.205. These categories include:

- (1) Operating or onsite directing of the operation of systems and components that a risk-informed evaluation process has shown to be significant to public health and safety;*
- (2) Performing health physics or chemistry duties required as a member of the onsite emergency response organization minimum shift complement;*
- (3) Performing the duties of a fire brigade member who is responsible for understanding the effects of fire and fire suppressants on safe shutdown capability;*
- (4) Performing maintenance or onsite directing of the maintenance of SSCs that a risk-informed evaluation process has shown to be significant to public health and safety;*
and

(5) Performing security duties as an armed security force officer, alarm station operator, response team leader, or watchman, hereinafter referred to as security personnel.

10 CFR 26.205(d)(3) provides the following requirements:

Licensees shall either ensure that individuals have, at a minimum, the number of days off specified in this paragraph, or comply with the requirements for maximum average workhours in § 26.205(d)(7). For the purposes of this section, a day off is defined as a calendar day during which an individual does not start a work shift. For the purposes of calculating the average number of days off required in this paragraph, the duration of the shift cycle may not exceed 6 weeks.

- (i) Individuals who are working 8-hour shift schedules shall have at least 1 day off per week, averaged over the shift cycle;*
- (ii) Individuals who are working 10-hour shift schedules shall have at least 2 days off per week, averaged over the shift cycle;*
- (iii) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(1) through (a)(3) shall have at least 2.5 days off per week, averaged over the shift cycle;*
- (iv) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(4) shall have at least 2 days off per week, averaged over the shift cycle; and*
- (v) Individuals who are working 12-hour shift schedules while performing the duties described in § 26.4(a)(5) shall have at least 3 days off per week, averaged over the shift cycle.*

10 CFR 26.205(d)(4) provides the following requirements:

During the first 60 days of a unit outage, licensees need not meet the requirements of § 26.205(d)(3) or (d)(7) for individuals specified in § 26.4(a)(1) through (a)(4), while those individuals are working on outage activities. However, the licensee shall ensure that the individuals specified in § 26.4(a)(1) through (a)(3) have at least 3 days off in each successive (i.e., non-rolling) 15-day period and that the individuals specified in § 26.4(a)(4) have at least 1 day off in any 7-day period;

10 CFR 26.205(d)(5) provides the following requirements:

During the first 60 days of a unit outage, security system outage, or increased threat condition, licensees shall control the hours worked by individuals specified in § 26.4(a)(5) as follows:

- (i) During the first 60 days of a unit outage or a planned security system outage, licensees need not meet the requirements of § 26.205(d)(3) or (d)(7). However, licensees shall ensure that these individuals have at least 4 days off in each successive (i.e., non-rolling) 15-day period; and*
- (ii) During the first 60 days of an unplanned security system outage or increased threat*

condition, licensees need not meet the requirements of § 26.205(d)(3), (d)(5)(i), or (d)(7).

10 CFR 26.205(d)(7) provides the following requirements:

Licensees may, as an alternative to complying with the minimum days off requirements in § 26.205(d)(3), comply with the requirements for maximum average work hours in this paragraph.

- (i) Individuals may not work more than a weekly average of 54 hours, calculated using an averaging period of up to six (6) weeks, which advances by 7 consecutive calendar days at the finish of every averaging period.*
- (ii) For purposes of this section, when an individual's work shift starts at the end of a calendar day and concludes during the next calendar day, the licensee shall either consider the hours worked during that entire shift as if they were all worked on the day the shift started, or attribute the hours to the calendar days on which the hours were actually worked.*
- (iii) Each licensee shall state, in its FFD policy and procedures required by § 26.27 and § 26.203(a) and (b), the work hour counting system in § 26.205(d)(7)(ii) the licensee is using.*

10 CFR 26.9, *Specific exemptions*, states:

Upon application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in 10 CFR 26 as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

C. PROPOSED EXEMPTION

OPPD requests a one-time exemption from the provisions of 10 CFR 26.205(d)(7) that would allow the application of the less restrictive working hour limitations described in 10 CFR 26.205(d)(4) and (d)(5) to be applied to support activities required for plant startup from the current extended outage, in lieu of the working hour limitations described in 10 CFR 26.205(d)(7). The proposed exemption would be applicable for a period not to exceed 60 days to support the activities required for plant startup from the current, extended outage. The proposed exemption would apply to the personnel covered by 10 CFR 26.4(a)(1) through (a)(5). During the period of exemption, OPPD will apply the limitations of 10 CFR 26.205(d)(4) and (d)(5) as applicable to the individuals performing the duties specified in 10 CFR 26.4(a)(1) through (a)(5).

D. BASIS FOR PROPOSED EXEMPTION

In accordance with 10 CFR 26.9, "Specific exemptions," the NRC may grant exemptions from the regulations that are determined to be authorized by law, that do not endanger

life or property or the common defense and security, and are otherwise in the public interest. This exemption request satisfies these requirements.

The proposed exemption is authorized by law in that no other prohibition of law exists to preclude the activities which would be authorized by the exemption. The provisions of 10 CFR 26.9 allow the NRC to grant exemptions from the requirements of 10 CFR 26. Therefore, the proposed exemption is authorized by law.

10 CFR 26, Subpart I, as described in the Federal Register Notice 73 FR 16966, is to provide assurance that cumulative fatigue does not compromise the abilities of individuals to safely and competently perform their duties. The maximum average work hour requirements of 10 CFR 26.205(d)(7) address the long-term control of work hours while permitting the occasional use of extended work hours for short duration circumstances such as equipment failure, personnel illness, or attrition. The provisions of 10 CFR 26.205(d)(4) and (d)(5) allow a 60-day period in which the maximum average work hour requirements of 10 CFR 26.205(d)(7) are replaced by less restrictive requirements. The limitations in 10 CFR 26.205(d)(4) and (d)(5) address the control of work hours for unique plant conditions, such as unit outages, which require extended work hours for a more sustained period of time. The less restrictive limitations of 10 CFR 26.205(d)(4) and (d)(5) provide licensees flexibility in scheduling required days off while accommodating the more intensive work schedules that accompany a unit outage. Limiting the time period in which the less restrictive limitations may be applied provides assurance that cumulative fatigue does not compromise the ability of individuals to safely and competently perform their duties.

The proposed exemption would allow the less restrictive working hour limitations to be applied during a period not to exceed 60 days to support activities required for plant startup from the current extended outage. The exemption will apply to the personnel performing the duties defined in 10 CFR 26.4(a)(1) through (a)(5). After the UE was exited on August 29, 2011, these personnel began working a normal, on-line schedule in compliance with 10 CFR 26.205(d)(3). In August 2012, station procedures and processes were revised and an on-line schedule was implemented that complies with 10 CFR 26.205(d)(7) for maximum average work hours. Consequently, assurance has been provided that cumulative fatigue will not compromise the ability of these individuals to safely and competently perform their duties. Therefore, the proposed exemption will not endanger life or property or the common defense and security, and is otherwise in the public interest.

As described above, this exemption request is consistent with the intent of the fatigue rule. As such, it is within the authority of the NRC to grant this request since changing the timeframe when outage hours can be worked will not endanger life or property or the common defense and security. The added flexibility will provide additional safety margin. There is no negative impact to the public interest as a result of this exemption request while the benefit to the affected employees will result in a positive impact to the public interest.

PRECEDENT

On June 24, 2010, the NRC approved an exemption request for the Davis-Besse Nuclear Power Station (DBNPS) Unit 1, which applied the requirements of 10 CFR 26.205(d)(4) and (d)(5) to support the restart from an extended outage. (Agencywide Document Access and Management System Accession Number ML101730457)

**Fort Calhoun Station, Unit No. 1
Environmental Assessment**

The Omaha Public Power District (OPPD) is requesting a one-time exemption from the provisions of 10 CFR 26.205(d)(7) for Fort Calhoun Station (FCS), Unit No. 1. The proposed exemption would allow the application of less restrictive working hour limitations described in 10 CFR 26.205(d)(4) and (d)(5) in lieu of the working hour limitations described in 10 CFR 26.205(d)(7). The proposed exemption is to support the activities required for plant startup from the current, extended outage, for a period not to exceed 60 days. An environmental assessment for the proposed exemption follows.

1. Describe any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment as a result of the proposed exemption.

OPPD Response

There are no expected changes in the types, characteristics, or quantities of non-radiological effluents discharged to the environment as a result of the proposed exemption. The proposed exemption is administrative in nature and is limited to changing the timeframe when less restrictive hours can be worked. This does not result in any changes to the design basis requirements for the structures, systems, and components (SSCs) at FCS that function to limit the release of non-radiological effluents during and following postulated accidents. The SSCs associated with limiting the release of offsite non-radiological effluents will continue to perform their functions, and as a result, there is no significant non-radiological effluent impact. There are no materials or chemicals introduced into the plant that could affect the characteristics or types of non-radiological effluents. In addition, the method of operation of non-radiological waste systems will not be affected by the proposed exemption.

2. Describe any changes to liquid radioactive effluents discharged as a result of the proposed exemption.

OPPD Response

There are no expected changes to liquid radioactive effluents discharged as a result of the proposed exemption. The proposed exemption is limited to administrative changes regarding the timeframe when less restrictive working hours can be worked and will not result in the production of any different quantity or type of radioactive material in the reactor coolant system. The proposed exemption will not result in changes to the design basis requirements for the SSCs at FCS that function to limit the release of liquid radiological effluents during and following postulated accidents. The SSCs associated with limiting the release of liquid radiological effluents will continue to perform their functions, and as a result, there is no significant liquid radiological effluent impact.

3. Describe any changes to gaseous radioactive effluents discharged as a result of the proposed exemption.

OPPD Response

There are no expected changes to gaseous radioactive effluents discharged as a result of the

proposed exemption. The proposed administrative changes to the timeframe when less restrictive working hours can be worked will not result in the production of any different quantity or type of radioactive material in the reactor coolant system. These changes will not result in changes to the design basis requirements for the SSCs at FCS that function to limit the release of gaseous radiological effluents during and following postulated accidents. The SSCs associated with limiting the release of gaseous radiological effluents will continue to perform their functions, and as a result, there is no significant gaseous radiological effluent impact.

4. Describe any change in the type or quantity of solid radioactive waste generated as a result of the proposed exemption.

OPPD Response

There are no expected changes to solid radioactive waste generated as a result of the proposed exemption. The proposed administrative changes to the timeframe when less restrictive working hours can be worked will not result in the production of any different quantity or type of radioactive material. These changes will not result in changes to the design basis requirements for the SSCs at FCS that function to limit the release of solid radioactive waste during and following postulated accidents. In addition, radiation surveys will continue to be performed in accordance with plant radiation procedures. The SSCs associated with limiting the release of solid radioactive waste will continue to perform their functions, and as a result, there is no significant solid radioactive waste impact.

5. What is the expected change in occupational dose as a result of the proposed exemption under normal and design basis accident conditions?

OPPD Response

The proposed exemption will allow, on a one-time basis, less restrictive work hours for a limited period. The exemption will not increase or decrease the amount of work activities that must be completed in preparation of plant startup. As such, no change in occupational dose as a result of the proposed exemption under normal or design basis accident (DBA) conditions is expected.

6. What is the expected change in the public dose as a result of the proposed exemption under normal and design basis accident conditions?

OPPD Response

Public dose is not changed by the proposed exemption during normal operations or DBA conditions. As noted in items 2, 3 and 4 above, there is no basis to contemplate an increased source of liquid, gaseous, solid radiological effluents, or associated leak rate that could contribute to increased public exposure during normal operations or DBA conditions.

7. What is the impact to land disturbance for the proposed exemption?

OPPD Response

The proposed exemption will allow, on a one-time basis, less restrictive work hours for a limited period. As such, the proposed exemption is administrative in nature and will not result in a land

disturbance or affect a historical site.

Conclusion:

There is no significant radiological environmental impact associated with implementing less restrictive work hours for a limited period. The proposed changes will not result in a land disturbance or affect any historical sites nor will they affect non-radiological plant effluents.

Regulatory Commitment List

This list identifies the action(s) committed to by the Omaha Public Power District (OPPD) in this submittal. Any other actions discussed in this submittal are for informational purposes, or represent intended or planned actions; they are not regulatory commitments.

Regulatory Commitment

1. During the period of exemption, OPPD will apply the limitations of 10 CFR 26.205(d)(4) and (d)(5) as applicable to the individuals performing those duties specified in 10 CFR 26.4(a)(1) through (a)(5).