



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

July 1, 2011

MEMORANDUM TO: Elmo E. Collins
Regional Administrator

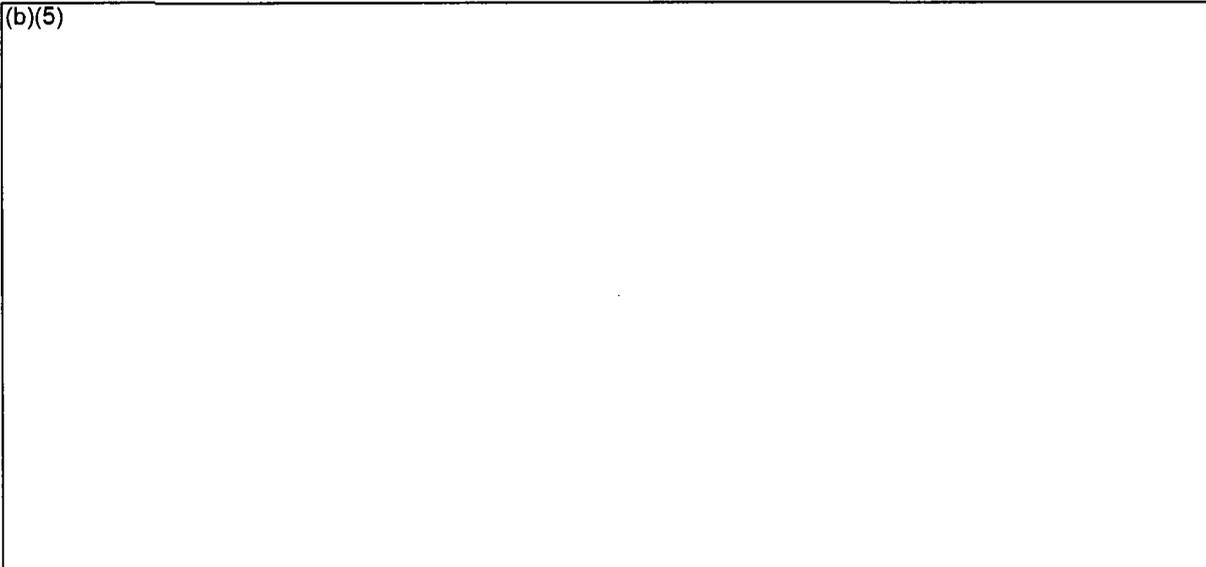
THRU: Anton Vogel, Director /RA/
Division of Reactor Safety

FROM: David P. Loveless /RA/
Senior Reactor Analyst

SUBJECT: PROPOSED ADEQUATE PROTECTION BACKFIT EXCEPTION

Attached, please find my analysis supporting the need for a 50.54(f) letter with potential further action against the Fort Calhoun Station operating license. ROPG 0901.6 defines the backfit process, but does not designate, "a manager who issues nuclear power reactor facility related backfits to licensees after approval of the supporting documentation by the RA," as suggested by MD 8.4. Therefore, I'm presenting this directly to you for assistance in ensuring that the right level of attention is provided.

(b)(5)



PROPOSED ADEQUATE PROTECTION BACKFIT EXCEPTION AT FORT CALHOUN

Regulatory Authority

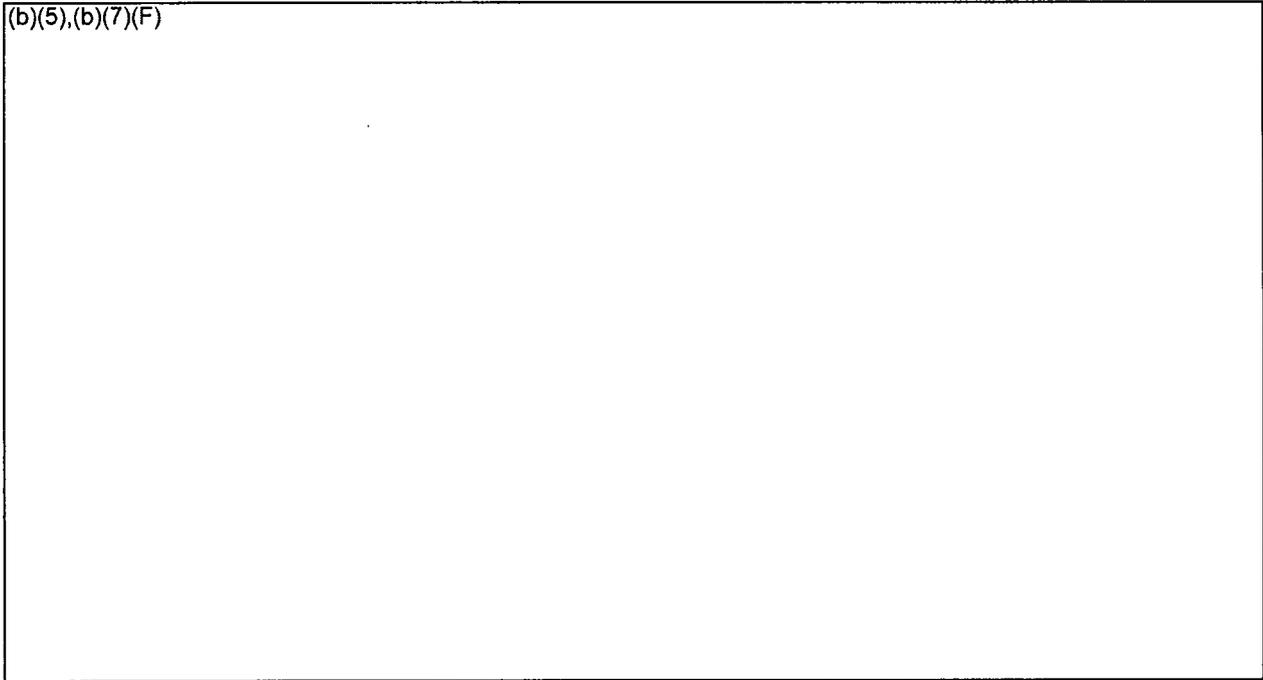
10 CFR 50.109, "Backfitting," describes the methods available to the Commission to require that licensees modify or add structures, components, or design of a facility. Section (a)(4)(ii) states that a backfit analysis is not required where the staff finds and declares with an appropriately documented evaluation, that regulatory action is necessary to ensure that the facility provides adequate protection to the health and safety of the public.

Management Directive 8.4, "Management of Facility-Specific Backfitting and Information Collection, states that the Regional Administrator has the authority to develop, update and maintain the backfit procedures and administrative controls for nuclear power plants.

PG 0901.6, "Facility-Specific Backfit and Information Collection Procedure," states that NRC staff positions may be identified as potential backfits by the staff. When the staff invokes a backfit exception, the RA must provide a documented evaluation that includes a statement of the objectives, reasons for the modification, and the basis for the backfit exception.

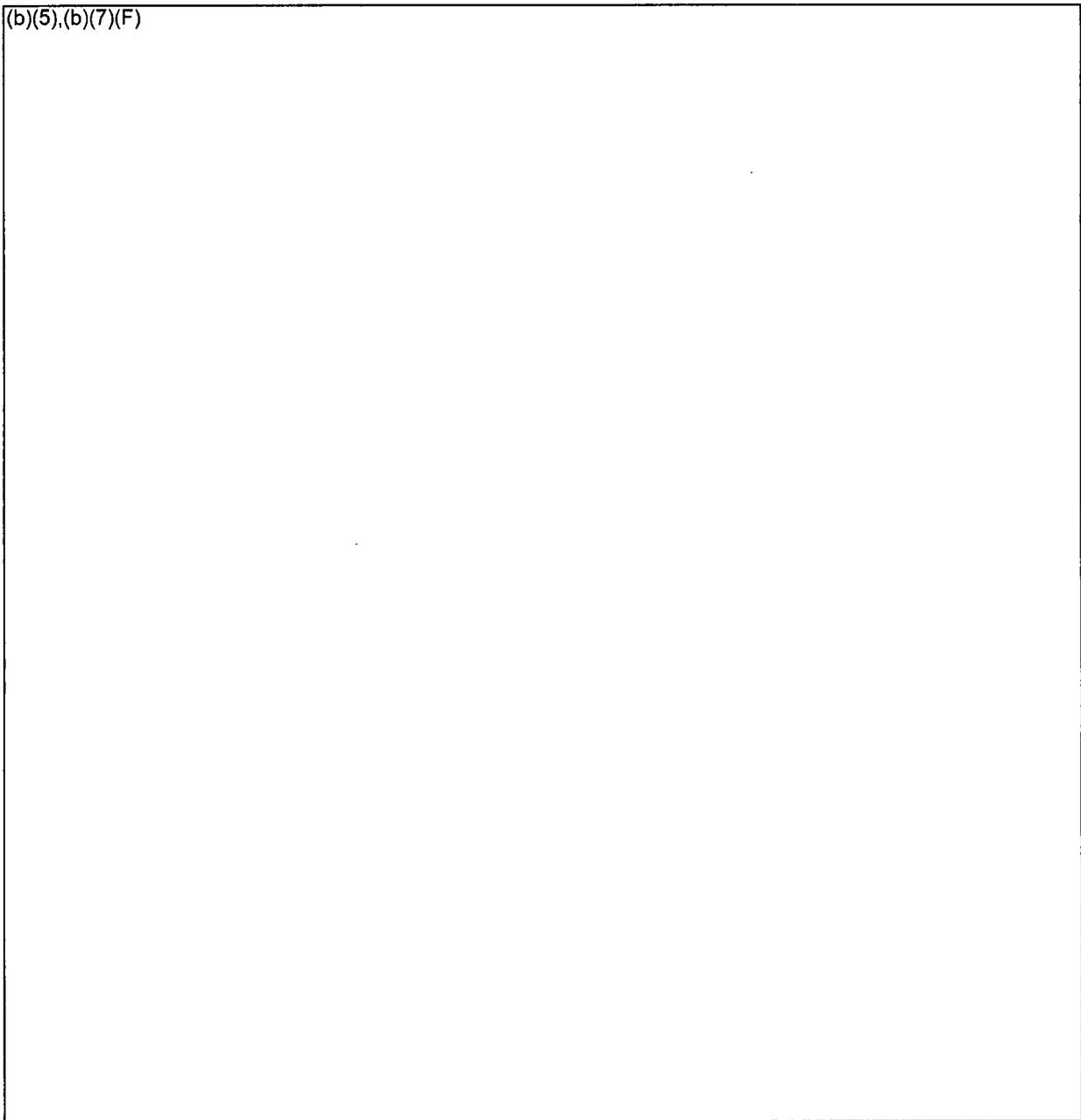
Additionally, 10 CFR 50.54(f) permits the Commission to request a licensee submit under oath or affirmation, to enable the Commission to determine whether or not the license should be modified, suspended, or revoked. If this information is not sought to verify licensee compliance with the current licensing basis for that facility, the NRC must prepare the reason for each information request.

(b)(5),(b)(7)(F)

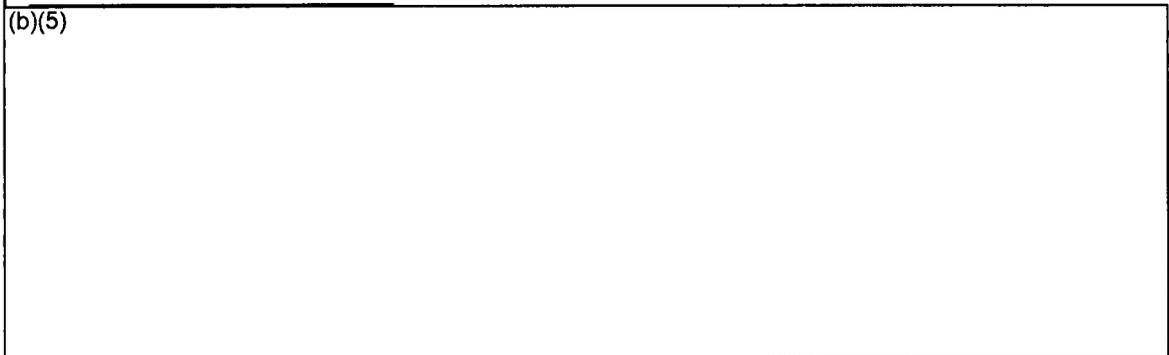


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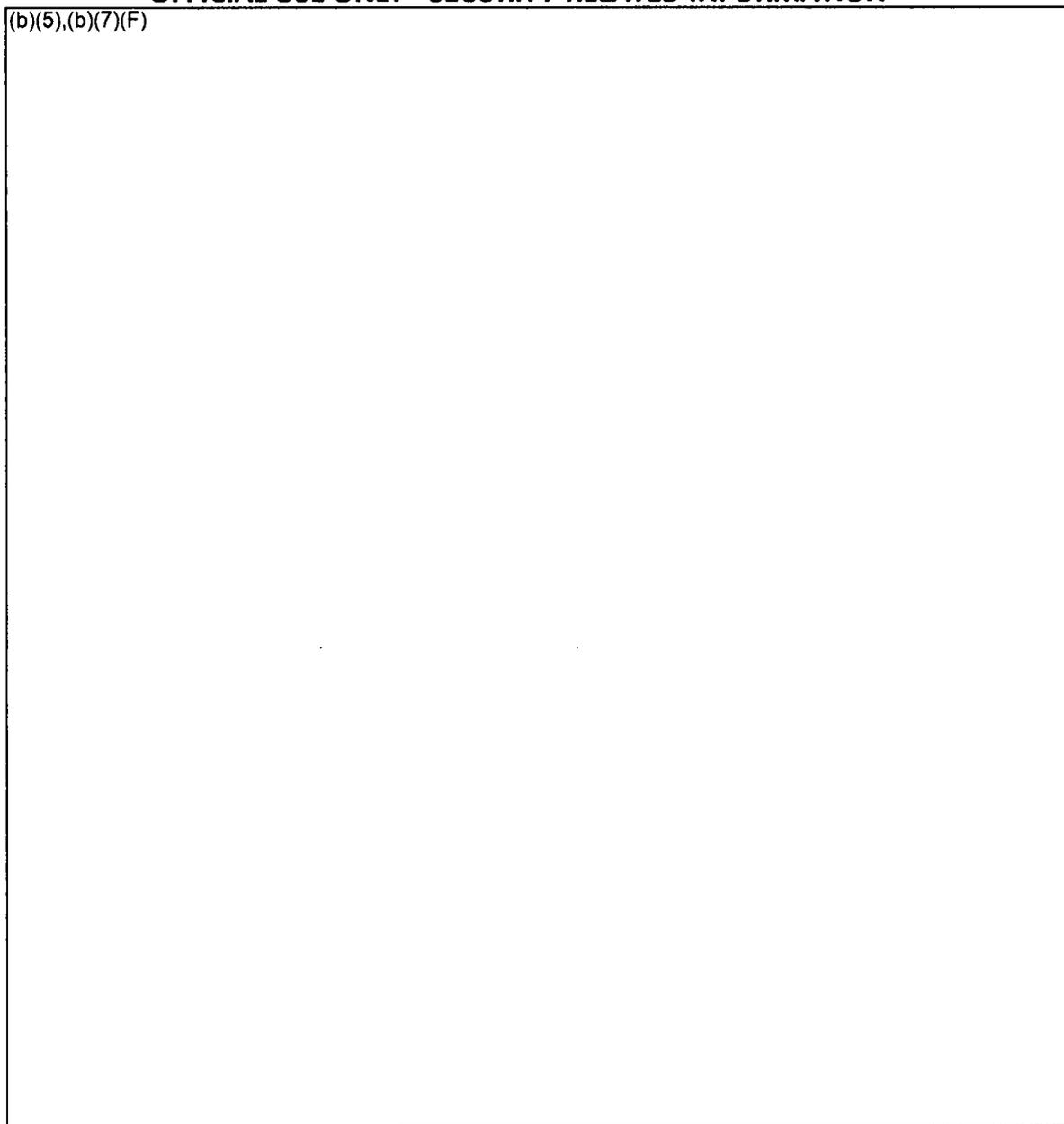


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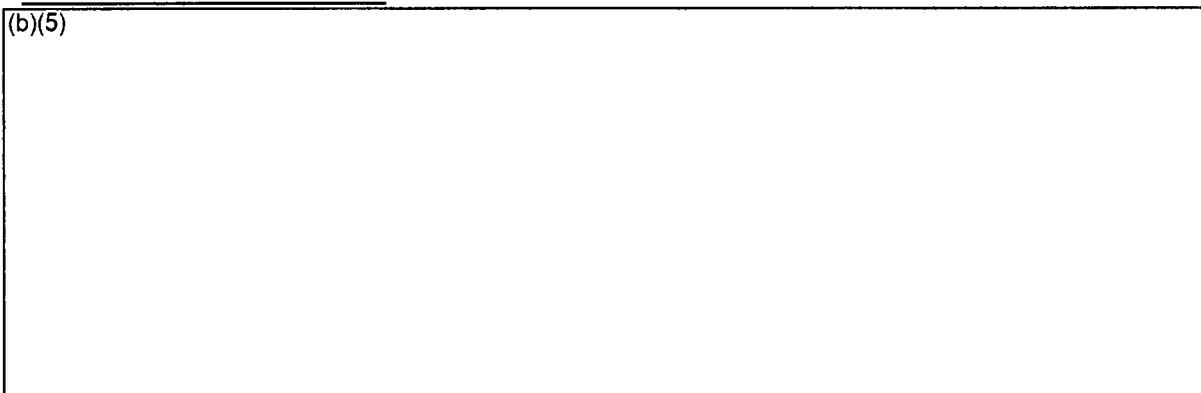


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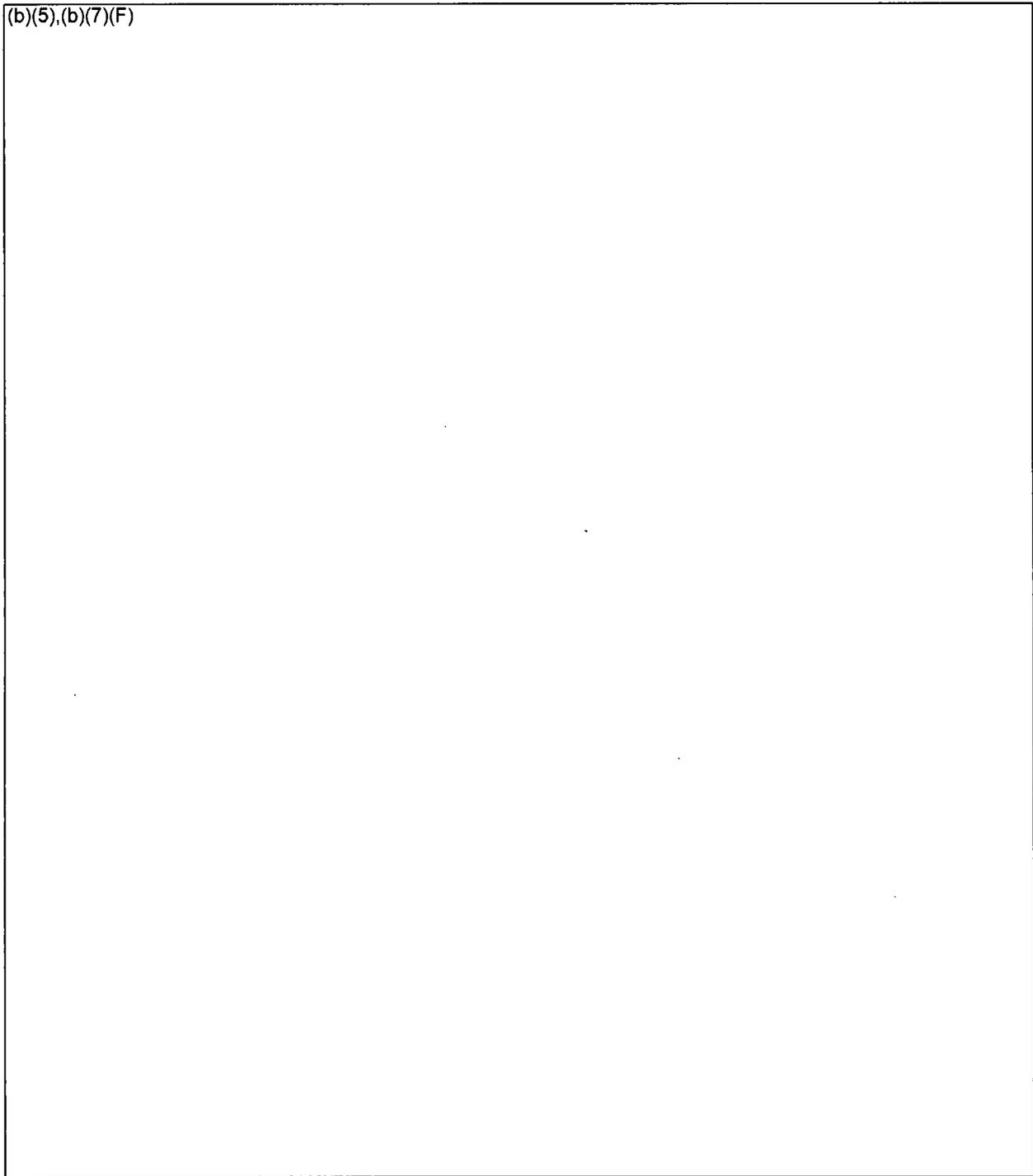
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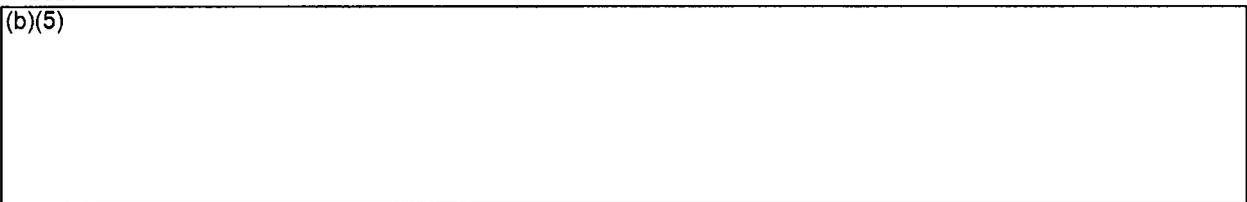
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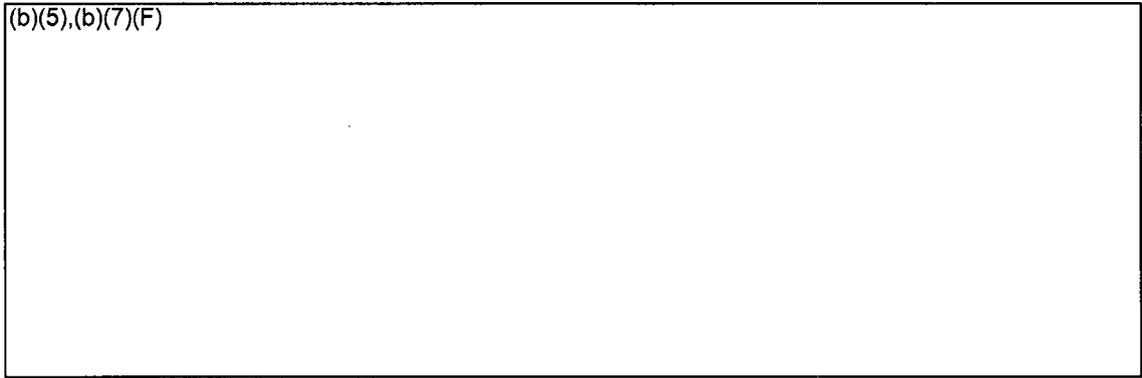
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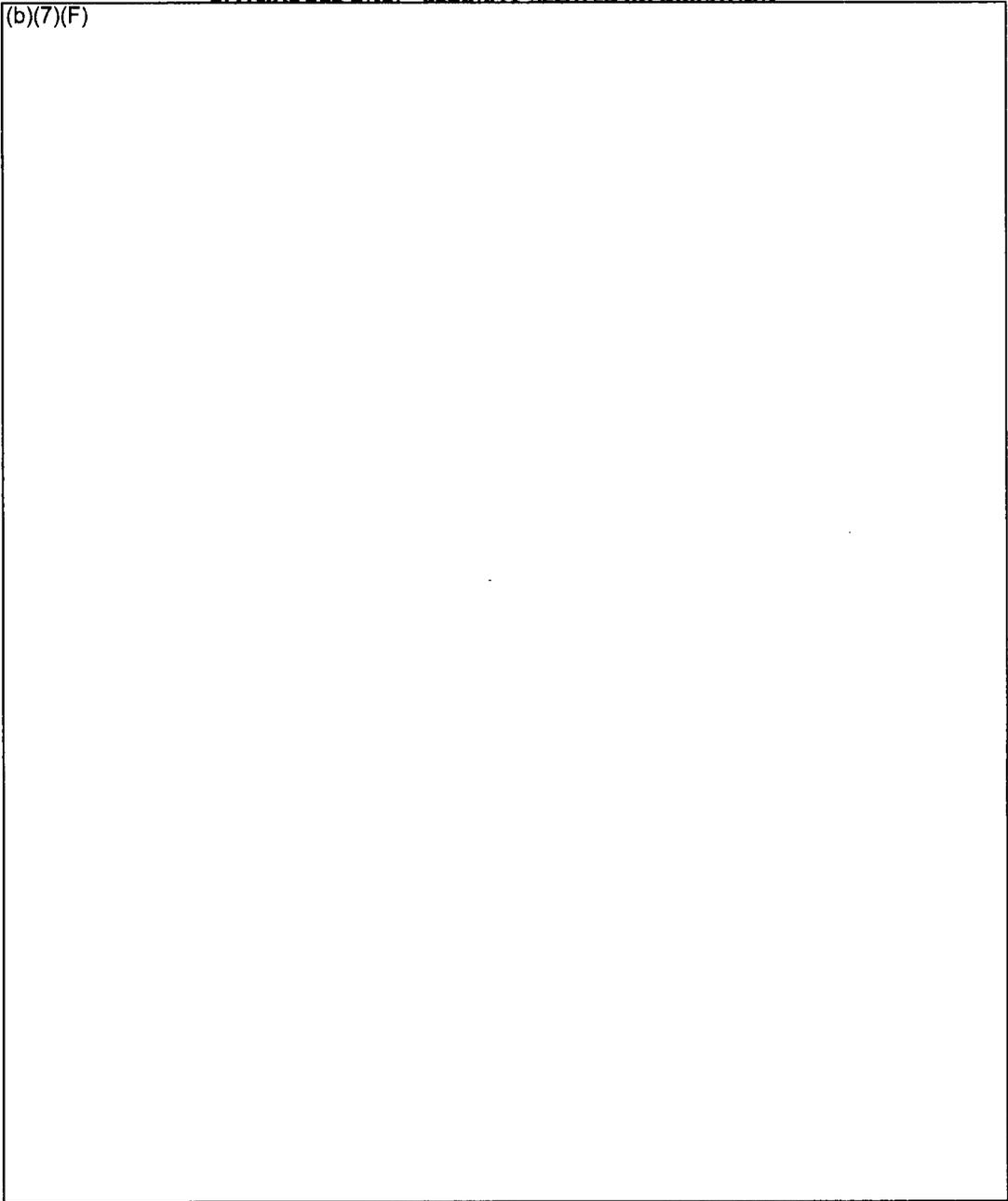
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(b)(7)(F)



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Enclosure 2

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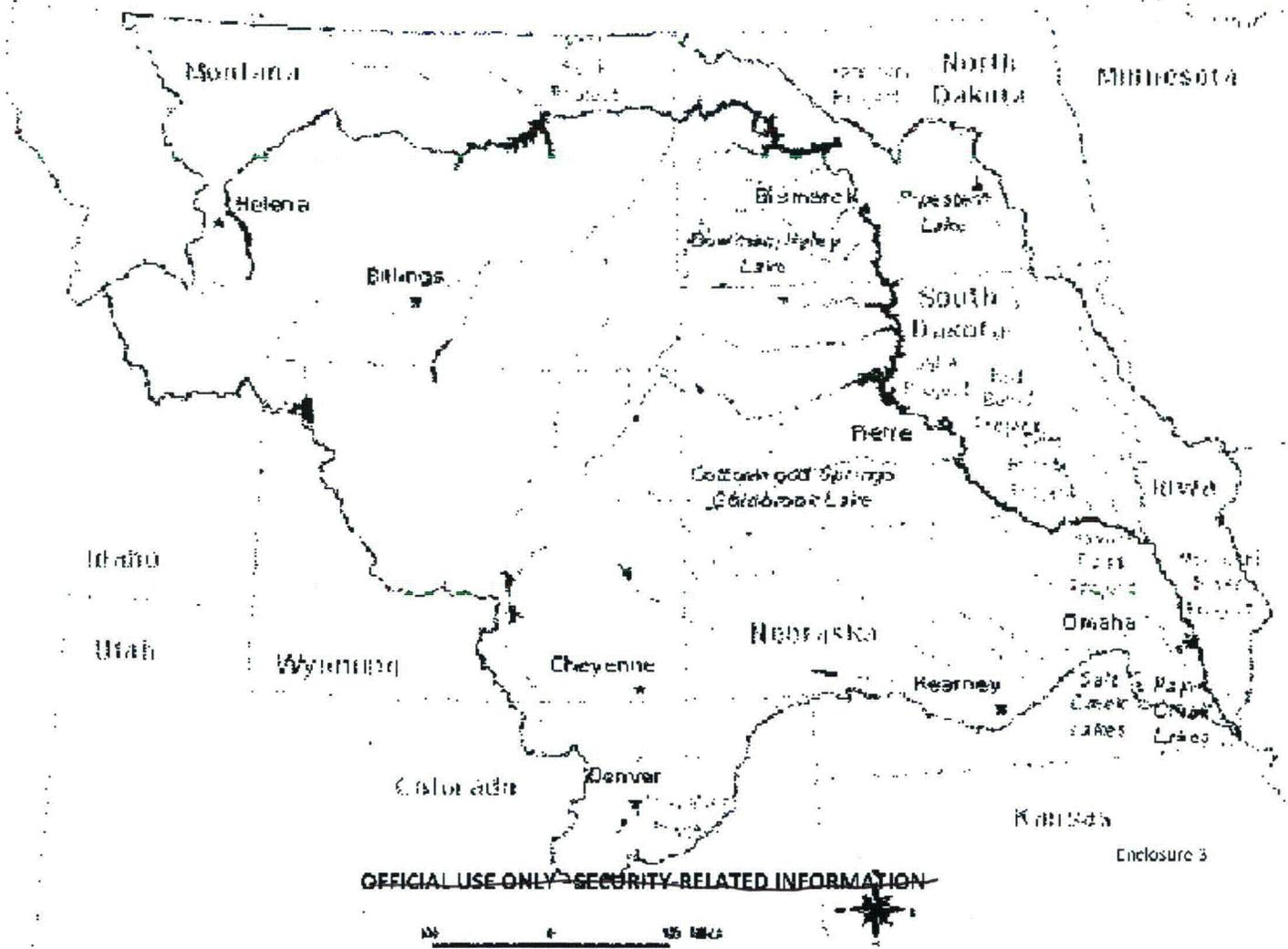
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Enclosure 2

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Enclosure 3

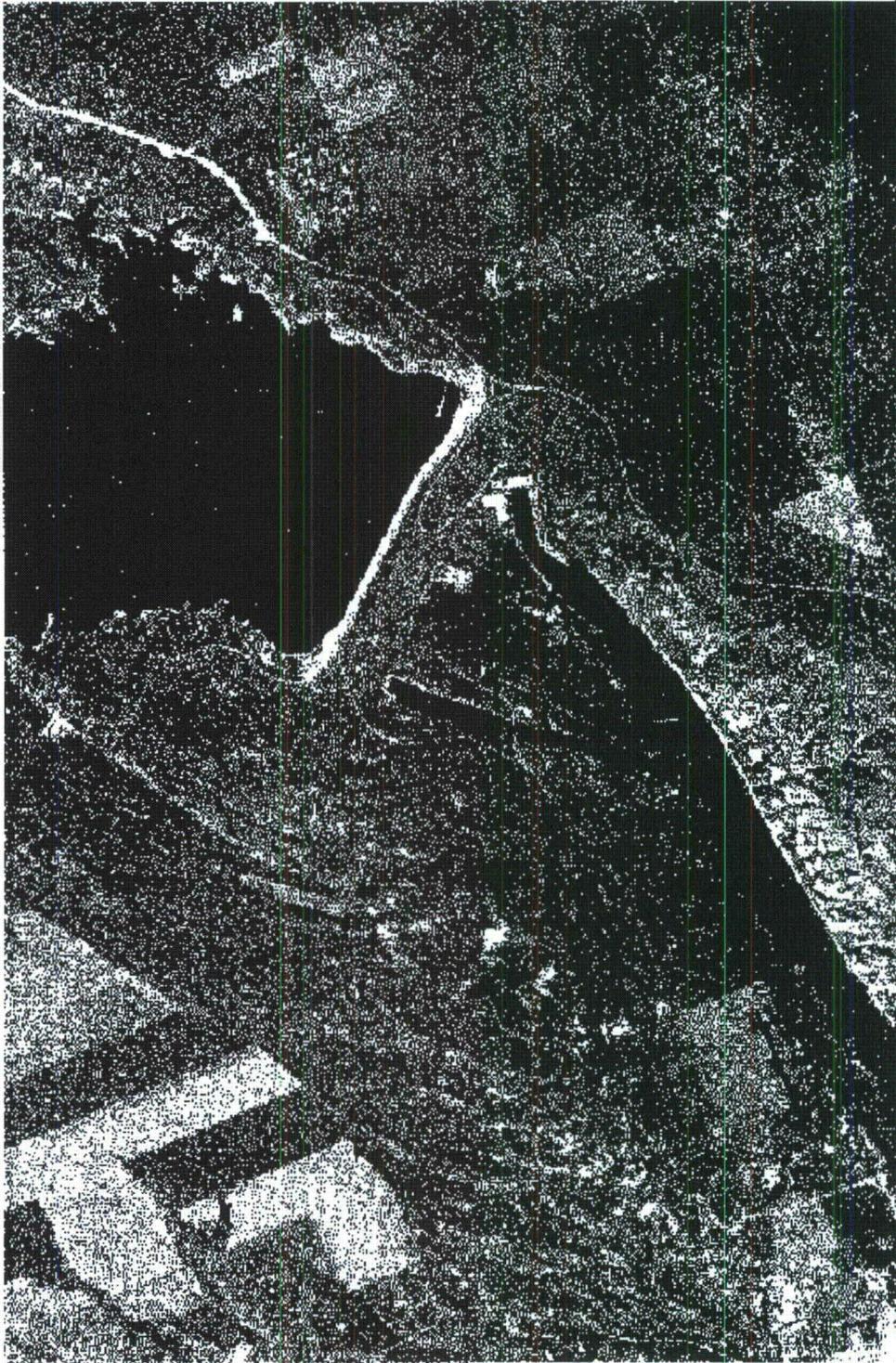
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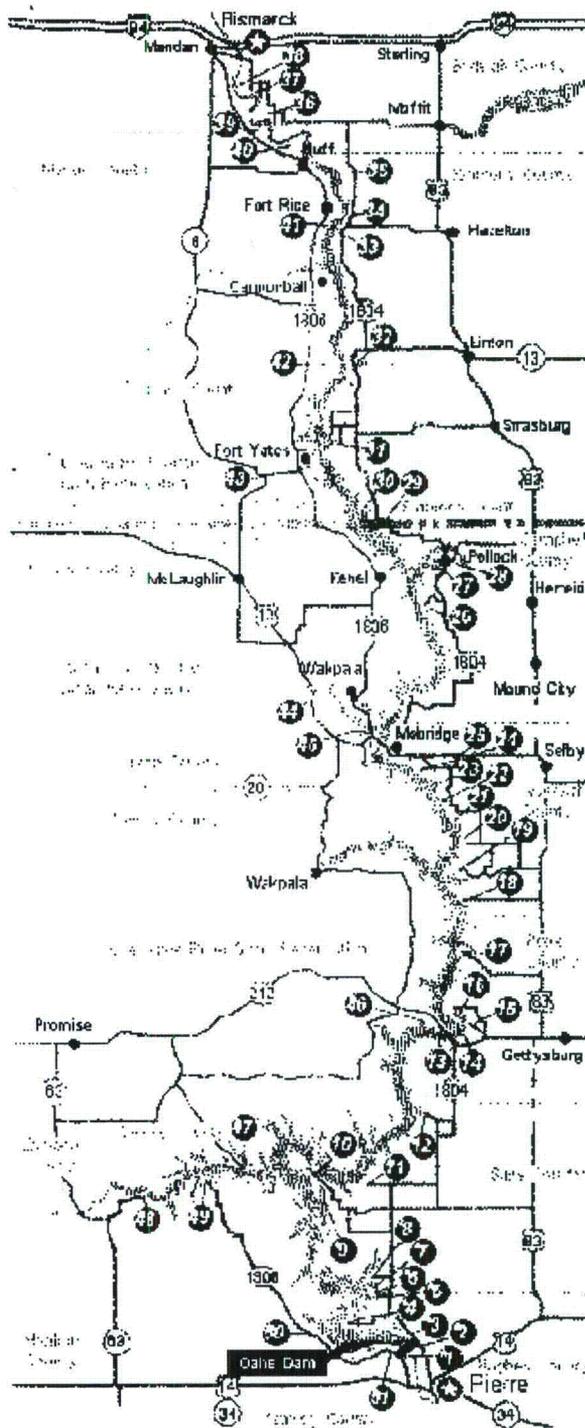
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