



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

September 12, 2013

Mr. Louis P. Cortopassi  
Site Vice President and Chief Nuclear Officer  
Omaha Public Power District  
Fort Calhoun Station  
9610 Power Lane, Mail Stop FC-2-4  
Omaha, NE 68008

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 – CLOSEOUT OF REVIEW  
RE: CHANGES IN MANAGEMENT (TAC NO. ME9577)

Dear Mr. Cortopassi:

By letter dated September 10, 2012 (Agencywide Documents Access and Management System Accession No. ML12258A074), Omaha Public Power District (OPPD) submitted a letter outlining pertinent provisions of the Operating Services Agreement (OSA) Between Exelon Generation Company, LLC, and OPPD, dated August 17, 2012. The U.S. Nuclear Regulatory Commission (NRC) reviewed your submittal and requested that you provide the OSA in a January 8, 2013, letter (ADAMS Accession No. ML12356A337). You provided the OSA in a letter dated March 1, 2013 (ADAMS Accession No. ML13066A037).

NRC review and consent are necessary when a license for a nuclear power plant is to be transferred or assigned. The NRC staff has developed criteria for judging whether the use of a different or new nuclear power plant operating entity involves a transfer and requires NRC review and consent under Section 50.80 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.80). The criteria are to be used in conjunction with the concept of final decision making authority: if an entity, for example, a service company, provides advice and personnel but does not have the authority to make a final decision (i.e., a decision that cannot be modified, overruled, or is not subject to reversal by the current licensee), there has been no transfer of authority. These criteria are further outlined in NRC Regulatory Issue Summary 2001-006, "Criteria for Triggering a Review under 10 CFR 50.80 for Non-owner Operator Service Companies," dated February 15, 2001 (ADAMS Accession No. ML010390294).

The NRC staff has reviewed the OSA between Exelon and OPPD which was provided by letter dated March 1, 2013, against the criteria of 10 CFR 50.80 and determined that no transfer of authority will occur.

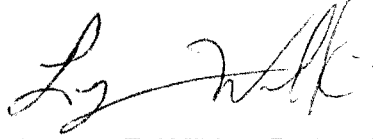
Therefore, the staff is closing out Task Assignment Control (TAC) No. ME9577 associated with this review.

L. Cortopassi

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If you have any questions, please contact me at 301-415-1377 or via e-mail at [lynnea.wilkins@nrc.gov](mailto:lynnea.wilkins@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynnea E. Wilkins', written in a cursive style.

Lynnea E. Wilkins, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: Distribution via Listserv

L. Cortopassi

If you have any questions, please contact me at 301-415-1377 or via e-mail at [lynnea.wilkins@nrc.gov](mailto:lynnea.wilkins@nrc.gov).

Sincerely,  
*/RA/*

Lynnea E. Wilkins, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: Distribution via Listserv

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**ADAMS Accession No. ML13192A198**

\*via email

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