



LIC-16-0080  
September 9, 2016

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

Fort Calhoun Station (FCS), Unit 1  
Renewed Facility Operating License No. DPR-40  
Docket No. 50-285

Subject: Request to Rescind the March 12, 2012, NRC Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (EA-12-051)

References: See page 3

On March 12, 2012, the U.S. Nuclear Regulatory Commission (NRC) issued order EA-12-051 (Reference 1) to the Omaha Public Power District's (OPPD) Fort Calhoun Station (FCS) that directed FCS to install additional spent fuel pool level instrumentation. EA-12-051, Section IV A.2, states that full implementation of the Order's requirements shall be completed no later than two (2) refueling cycles after submittal of the Overall Implementation Plan (OIP) or December 31, 2016, whichever comes first. On February 28, 2013, OPPD submitted the FCS Mitigating Strategies OIP (Reference 2). Full compliance with Order EA-12-051 was planned for the Fall 2016 Refueling Outage (RFO28).

Section III of the Order EA-12-051 states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range Spent Fuel Pool (SFP) levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. This statement forms the basis of the Order and reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and SFP. With reliable indication of the SFP coolant level, decision-makers can determine when to deploy resources to the SFP and avoid unnecessary deployment of staff to monitor pool level.

By letter dated June 24, 2016 (Reference 3), OPPD provided formal notification to the NRC pursuant to 10 CFR 50.4(b)(8) and 10 CFR 50.82(a)(1)(i) of OPPD's contingent determination to permanently cease power operations at FCS no later than December 31, 2016. FCS plans to remove all fuel from the reactor pressure vessel (RPV) to the SFP by December 31, 2016. OPPD updated this letter on August 25, 2016 (Reference 4) certifying that it plans to permanently cease power operations at FCS on October 24, 2016.

Per NRC Order EA-12-051 section IV.C, the Director, Office of Nuclear Reactor Regulation or the Director, Office of New Reactors may, in writing, rescind any of the Order's conditions upon demonstration by the Licensee of good cause. The following demonstrates good cause for rescinding the Order.

On March 8, 2016, the NRC issued the plan for the onsite audit related to EA-12-049 and EA-12-051 (Reference 6). One of the purposes of the audit was to provide the NRC staff the opportunity to gain key insights most easily obtained at the plant as to whether the licensee is on the correct path for compliance with the order. NRC issued the audit report on July 5, 2016 (Reference 7). The audit report concluded the NRC staff completed all three parts of the onsite audit plan and identified no open items associated with EA-12-051.

With the permanent cessation of operations and permanent removal of fuel from the reactor vessel, the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision-makers would not have to prioritize actions and the focus of the staff would be the SFP condition. Thus, upon docketing of 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the basis for the Order will no longer apply to FCS.

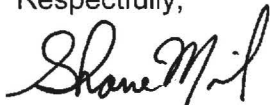
In accordance with Section IV of the Order, OPPD requests that the NRC rescind Order EA-12-051 in its entirety upon OPPD's docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel.

OPPD previously requested relaxation of the implementation date for compliance with Order EA-12-051 in Reference 5. This letter supersedes the request made in Reference 5.

If you should have any questions regarding this submittal or require additional information, please contact Mr. Bradley H. Blome at 402-533-7270.

No commitments to the NRC are made in this letter.

Respectfully,



Shane M. Marik  
Site Vice President and CNO

SMM/JKG/epm

- c: K. M. Kennedy, NRC Regional Administrator, Region IV  
C. F. Lyon, NRC Senior Project Manager  
P. J. Bamford, NRC Senior Project Manager  
S. M. Schneider, NRC Senior Resident Inspector

## REFERENCES

1. NRC Order, Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation, EA-12-051, dated March 12, 2012 (ML12056A044)
2. OPPD letter (L. Cortopassi) to USNRC (Document Control Desk), "Fort Calhoun Station Spent Fuel Pool Instrumentation Overall Integrated Plan," dated February 28, 2013 (LIC-13-0011)(ML13059A268)
3. OPPD letter (T. Burke) to USNRC (Document Control Desk), "Certification of Permanent Cessation of Power Operations," dated June 24, 2016 (LIC-16-0043)(ML16176A213)
4. OPPD letter (T. Burke) to USNRC (Document Control Desk), "Certification of Permanent Cessation of Power Operations," dated August 25, 2016 (LIC-16-0067)(ML16242A127)
5. OPPD letter (S. Marik) to USNRC (Document Control Desk), Request for Relaxation of March 12, 2012 Commission Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design Basis External Events and Reliable Spent Fuel Pool Instrumentation (Order Number EA-12-049 and EA-12-051), dated August 12, 2016 (LIC-16-0048)(ML16225A539)
6. NRC Letter (P. Bamford) to OPPD (S. Marik), Plan for the Onsite Audit Regarding Implementation of Mitigating Strategies and Reliable Spent Fuel Pool Instrumentation Related to Orders EA-12-049 and EA-12-051 (CAC NOS. MF0969 AND MF0968), dated March 8, 2016 (ML16064A077)
7. NRC Letter (P. Bamford) to OPPD (S. Marik), "Fort Calhoun Station, Unit 1 - Report for the Audit Regarding Implementation of Mitigating Strategies and Reliable Spent Fuel Pool Instrumentation Related to Orders EA-12-049 and EA-12-051 (CAC NOS. MF0969 and MF0968)," dated July 5, 2016 (NRC-16-0061)(ML16179A373)