



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

March 28, 2017

Ms. Mary J. Fisher  
Senior Director for Decommissioning  
Omaha Public Power District  
Fort Calhoun Station  
9610 Power Lane, Mail Stop FC-2-4  
Blair, NE 68008

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 - RESCISSION OF INTERIM  
COMPENSATORY MEASURE B.1.a FROM EA-02-026, "ORDER FOR INTERIM  
SAFEGUARDS AND SECURITY COMPENSATORY MEASURES" (CAC  
NO. MF8843)

Dear Ms. Fisher:

By letter dated February 25, 2002 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML020500228), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-02-026 to all operating nuclear power reactor licensees. Following the terrorist attacks on September 11, 2001, the NRC supplemented the security measures required for protection against the design-basis threat at nuclear power reactor facilities through a series of security orders. These orders, including Order EA-02-026, established new requirements for specific training; access authorization enhancements; and enhancements to defensive strategies, mitigative measures, and integrated response.

The NRC amended Title 10 of the *Code of Federal Regulations* Parts 50, 52, 72, and 73, including Appendices B and C to Part 73, through a final rule (FR), "Power Reactor Security Requirements," published in the *Federal Register* on March 27, 2009 (74 FR 13,925). The rulemaking codified generically applicable security requirements previously issued by orders and updated the existing power reactor security requirements. The rule became effective on May 26, 2009.

By letter dated November 28, 2011 (ADAMS Accession No. ML111220447), the NRC partially rescinded Order EA-02-026 (the Order). The requirements of the Order addressed by interim compensatory measure (ICM) B.1.a involved operator training for a specific security-initiated event that was not covered by proposed or existing regulations and remained in effect.

By letter dated August 25, 2016 (ADAMS Accession No. ML16242A127), Omaha Public Power District (OPPD) submitted a certification to the NRC indicating that it would permanently cease power operations at Fort Calhoun Station (FCS) on October 24, 2016. On October 24, 2016, OPPD permanently ceased power operation at FCS. On November 13, 2016 (ADAMS Accession No. ML16319A254), OPPD certified that it had permanently defueled the FCS reactor vessel.

Section III of the Order provides the NRC's Director of the Office of Nuclear Reactor Regulation the authority to relax or rescind any or all of the conditions of the Order upon demonstration by the licensee of good cause.

On November 14, 2016 (ADAMS Accession No. ML16319A293), OPPD requested rescission of ICM B.1.a of the Order for FCS based on the permanently shutdown and defueled status of the reactor. In this letter, OPPD provided the following information to demonstrate good cause for the rescission of ICM B.1.a of the Order:

- FCS is permanently shutdown and has defueled the reactor; the reactor cannot be operated and fuel cannot be placed in the core. Therefore, there is no longer a need to address the specific security-initiated event in ICM B.1.a of the Order, which is primarily associated with reactor operation.
- When ICM B.1.a of Order EA-02-026 was issued, it was not applicable to reactors that were permanently shutdown and defueled at that time.

The NRC staff notes that since FCS is permanently shutdown and defueled, the primary security focus is the protection of the spent fuel. The specific security-initiated event addressed in ICM B.1.a of the Order does not have any immediate effect on the storage or cooling of spent fuel.

In addition, the NRC staff recognizes that FCS will maintain mitigation strategies for the protection of spent fuel pursuant to condition 3.G of its license. License condition 3.G requires FCS to develop and maintain strategies and staff training to address large fires and explosions that includes protection of the spent fuel. The NRC staff has determined that rescission of ICM B.1.a in the Order will not reduce the capability of the licensee to mitigate any consequences from the specific security-initiated event described in the Order, even in the unlikely case that the event could have some effect on the systems used for storage and cooling of spent fuel. The operations staff will continue to receive training on mitigation strategies related to the protection of spent fuel. Thus, the basis for the Order no longer applies to the permanently shutdown and defueled status of FCS.

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind ICM B.1.a of the Order EA-02-026 for FCS and that rescission of the Order is not inimical to the common defense and security and does not constitute an unreasonable risk to the public health and safety. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of the Order. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, ICM B.1.a of the Order EA-02-026 is rescinded for FCS.

Sincerely,



William M. Dean, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: Listserv

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**ADAMS Accession No. ML17040A094**

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