

NRR-PMDAPeM Resource

From: Kim, James
Sent: Thursday, August 24, 2017 7:44 AM
To: MATZKE, ERICK P
Cc: BLOME, BRADLEY H
Subject: Final RAI for Fort Calhoun Exemption from 10 CFR 140.11(a)(4), Off-site Primary and Secondary Liability Insurance (MF9664)

Final Request for Additional Information

On August 4, 2017, the U.S. Nuclear Regulatory Commission (NRC) staff sent Fort Calhoun Station (FCS) the draft Request for Additional Information (RAI). This RAI relates to an exemption from 10 CFR 140.11(a)(4), which concerns off-site primary and secondary liability insurance. On August 23, 2017, a teleconference between FCS and NRC staff was held to discuss the information requested by the NRC staff was understood and any additional clarifications on the RAI were required. Based on the teleconference, FCS determined that the information requested by the NRC staff was clearly understood and any other additional clarifications on the RAI was not necessary. FCS agreed to provide a response to this **final** RAI shown below within 45 days. The NRC staff also informed the licensee that a publicly available version of this final RAI would be placed in the NRC's Agencywide Documents Access and Management System.

REQUEST FOR ADDITIONAL INFORMATION

REQUEST FOR EXEMPTION FROM REQUIREMENTS FOR PRIMARY AND SECONDARY LIABILITY

INSURANCE (CAC MF9664)

FORT CALHOUN STATION

OMAHA PUBLIC POWER DISTRICT

DOCKET NO. 50-285

By letter dated April 28, 2017, Omaha Public Power District (OPPD or the licensee), requested an exemption from 10 CFR 140.11(a)(4), which concerns off-site primary and secondary liability insurance. The regulation requires licensees to have and maintain two levels of financial protection against off-site liability for each nuclear reactor that is licensed to operate, designed for the production of electrical energy, and has a rated capacity of 100,000 kilowatts electric (kWe) or more. The two levels of financial protection are as follows:

- Primary insurance coverage of \$450,000,000 from private sources; and,
- Secondary financial protection in the form of private liability insurance available under an industry retrospective rating plan.

The licensee requested an exemption from this requirement to reduce the required level of primary off-site liability insurance to \$100 million and eliminate the requirement for OPPD to participate in the secondary retrospective rating plan, effective on April 7, 2018.

The U.S. Nuclear Regulatory Commission staff has reviewed the licensee's submittal and determined that the following additional information is required in order to complete the review:

RAI-SBPB -01:

In SECY-96-256, "Changes to Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, 10 CFR 50.54(w)(1) and 10 CFR 140.11," dated December 17, 1996 (ADAMS Accession No. ML15062A483), the staff recommended changes to the power reactor insurance regulations that would allow licensees to lower offsite primary liability insurance levels to \$100 million and withdraw from the secondary retrospective rating plan upon demonstration that the fuel stored in the SFP can be air-cooled. In its Staff Requirements Memorandum to SECY-96-256, dated January 28, 1997 (ADAMS Accession No. ML15062A454), the Commission supported the staff's recommendation. The staff has used this technical criterion of air coolability to grant similar exemptions to other decommissioning reactors (e.g., Kewaunee Power Station (ADAMS Accession No. ML15026A544), published in the Federal Register on March 24, 2015).

The information supporting the requested exemption provided by letter dated April 28, 2017, did not specifically address the technical criterion that the spent fuel could be air-cooled if the spent fuel pool was drained of water. Instead, the discussion addressed the low probability of damage to fuel if the pool were drained of water due to the long time available for actions to provide cooling. Provide an analysis or evaluation that provides reasonable assurance that the fuel could be adequately cooled by air in the event the spent fuel pool were completely drained, either by comparison of input parameters with representative NRC generic analyses or by plant specific analyses. Examples of these approaches for the Kewaunee Power Station are publicly available (ADAMS Accession Nos. ML14029A064 and ML14029A067).

Regards,

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Subject: Final RAI for Fort Calhoun Exemption from 10 CFR 140.11(a)(4), Off-site
Primary and Secondary Liability Insurance (MF9664)
Sent Date: 8/24/2017 7:44:26 AM
Received Date: 8/24/2017 7:44:00 AM
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Recipients:
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Files	Size	Date & Time
MESSAGE	4253	8/24/2017 7:44:00 AM

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received: