



Omaha Public Power District  
444 South 16th Street Mall  
Omaha, Nebraska 68102-2247

October 29, 1998  
LIC-98-0140

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Mail Station P1-137  
Washington, D.C. 20555

- References:
1. Docket 50-285
  2. NRC Generic Letter 97-04, "Assurance of Sufficient Net Positive Suction Head for Emergency Core Cooling and Containment Heat Removal Pumps," dated October 7, 1997
  3. Letter from OPPD (S.K. Gambhir) to NRC (Document Control Desk), dated December 31, 1997 (LIC-97-0189)
  4. Letter from OPPD (S.K. Gambhir) to NRC (Document Control Desk), dated September 29, 1998 (LIC-98-0125)

**Subject: Rescission of Commitment to Request Revision of Licensing Basis, and Submittal of 10 CFR 50.59 Safety Evaluation and Calculation associated with Net Positive Suction Head for Containment Spray and High Pressure Safety Injection Pumps in Recirculation Phase**

Omaha Public Power District (OPPD) has had ongoing discussions with the NRC staff concerning the Reference 3 response to Generic Letter 97-04. That response included a summary of the current design basis for Fort Calhoun Station (FCS), which credits 25% of the available containment overpressure for assuring sufficient net positive suction head (NPSH) for the containment spray and high pressure safety injection pumps in the recirculation phase. The original FCS design basis included a commitment to AEC Safety Guide 1, which allowed no credit for containment overpressure in assuring sufficient NPSH. In 1992, a re-analysis of the containment spray system revealed the need to credit a portion of the available containment overpressure. This condition was reported in Licensee Event Report (LER) 92-016. As a corrective action, OPPD revised the FCS Updated Safety Analysis Report (USAR) after a 10 CFR 50.59 safety evaluation concluded that no Unreviewed Safety Question (USQ) was involved. Following consultation with the NRC Staff, this USAR revision was submitted to the NRC on September 18, 1992 via a letter (LIC-92-291R) which rescinded the OPPD commitment to AEC Safety Guide 1. No NRC Safety Evaluation Report was ever requested or issued. Following review of the USAR revision during an NRC inspection, LER 92-016 was closed in NRC Inspection Report 92-30.

As a result of reviewing the OPPD response to Generic Letter 97-04, the NRC Staff questioned during a telephone conference call on July 30, 1998 whether the conclusion that no USQ exists was and is valid. (OPPD recognizes that the NRC interpretation of 10 CFR 50.59 has changed since 1992.) In subsequent telephone communications between OPPD and NRC management, OPPD committed to submit an application for facility license change with

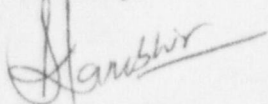
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appropriate supporting documentation in order to expeditiously resolve the NRC concern, even though OPPD maintained its position that no USQ was involved. The Reference 4 letter documented this commitment that OPPD would, by November 30, 1998, request formal NRC approval of credit for some containment overpressure in assuring sufficient NPSH during the recirculation phase for the applicable pumps.

After further discussions, a telephone conference call was held on October 14, 1998, involving W. H. Bateman, L. R. Wharton, and K. A. Kavanaugh of the NRC Staff, and R. L. Phelps, T. C. Matthews, J. S. Ressler, and T. T. Nguyen of OPPD. In this call, the participants agreed that if OPPD concluded that no USQ was involved in the 1992 USAR change, then no NRC approval was needed and an application for facility license change was inappropriate. However, the NRC participants requested submittal of OPPD's 10 CFR 50.59 evaluation and engineering calculation associated with this issue for NRC review. Accordingly, OPPD is rescinding the commitment in the Reference 4 letter and including the requested documents for NRC review as enclosures to this letter.

The understanding of the OPPD participants is that if the NRC review resulted in agreement with the OPPD position, this resolution would be included in a closeout letter issued by the NRC for Generic Letter 97-04. If the NRC Staff concluded that an Unreviewed Safety Question was involved, the issue would be the subject of potential enforcement action. Please contact me if you have any questions or a different understanding regarding this information.

Sincerely,



S.K. Gambhir  
Division Manager  
Nuclear Operations

TCM/tcm

Enclosures

c: E.W. Merschoff, NRC Regional Administrator, Region IV  
L.R. Wharton, NRC Project Manager  
W.C. Walker, NRC Senior Resident Inspector  
Winston and Strawn

LIC-98-0140

Enclosure 1

10 CFR 50.59 Evaluation for  
USAR Change 92-35  
(CID 920473/02)