



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

January 31, 2001

EA-00-106
EA-01-027

S. K. Gambhir, Division Manager
Nuclear Operations
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
P.O. Box 399
Hwy. 75 - North of Fort Calhoun
Fort Calhoun, Nebraska 68023-0399

**SUBJECT: FORT CALHOUN STATION FIRE PROTECTION TRIENNIAL BASELINE
INSPECTION REPORT NO. 50-285/00-01**

Dear Mr. Gambhir:

Thank you for your letter of June 8, 2000, in response to our May 9, 2000, letter transmitting NRC Inspection Report 50-285/00-01. This inspection report discussed one Non-Cited Violation with two examples and one apparent violation.

The Non-Cited Violation involved a failure to comply with License Condition E to your license, relative to maintaining in effect all provisions of your NRC-approved fire protection program. Your response indicated that you are denying this Non-Cited Violation. Your denial is based on numerous interactions between Omaha Public Power District and NRC staff on fire protection issues, which you assert demonstrate that NRC staff must have been aware of the installed plant configurations at issue in this violation. Notwithstanding the numerous interactions you cite, we have concluded that neither the exemption granted by the NRC on July 3, 1985, nor Omaha Public Power District's request for exemption dated January 9, 1985, specifically addressed the configurations we found to be in violation of 10 CFR Part 50, Appendix R, Section III.G.2. Furthermore, in granting the exemption, the staff relied on active and passive protection of redundant safe shutdown systems. It is our view that these passive features included both physical separation and barriers, as described in Section IV of your exemption request, and Section IV of the exemption granted by the NRC.

Thus, we have concluded that you did not provide any additional information that would justify our withdrawing the violation. Therefore, the Non-Cited Violation stands as documented in the inspection report. We understand, as you committed in the exit meeting of March 10, 2000, and again in the exit meeting of April 28, 2000, that your posted compensatory measures established for Fire Area 32 will be maintained until the corrective actions for this violation are completed.

In your response, you also denied the apparent violation for failure to ensure that one train of redundant systems necessary for achieving and maintaining hot shutdown, which is located within the same fire area, would remain free of fire damage. The scenario discussed in the NRC's inspection report was based on postulated fire-induced circuit failures in which you stated, in your response letter of June 8, 2000, was beyond your licensing basis. The NRC staff and industry are currently working to resolve questions raised by the industry about the adequacy of the existing staff guidance concerning fire-induced circuit failures. It is our understanding that your posted compensatory measures for Fire Areas 34B and 36B will remain in place until this issue is resolved. The apparent violation will stand as documented in NRC Inspection Report 50-285/00-01 until the pending issues concerning fire-induced circuit failures are resolved.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Record (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Should you have any questions regarding this matter, please contact Mr. Claude Johnson at 817/860-8282.

Sincerely,

/RA/

Arthur T. Howell III, Director
Division of Reactor Safety

Docket No.: 50-285
License No.: DPR-40

cc:
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Cheryl Goines (AI 2000-G-087)

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