



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

December 8, 2016

Mr. Shane M. Marik  
Site Vice President and Chief  
Nuclear Officer  
Omaha Public Power District  
Fort Calhoun Station  
9610 Power Lane, Mail Stop FC-2-4  
Blair, NE 68008

**SUBJECT: FORT CALHOUN STATION, UNIT 1 – RESCISSION OF ORDER EA-12-051,  
“ORDER MODIFYING LICENSES WITH REGARD TO RELIABLE SPENT FUEL  
POOL INSTRUMENTATION” (CAC NO. MF0968)**

Dear Mr. Marik:

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A679), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-12-051 to Omaha Public Power District (OPPD, the licensee). This order requires certain actions at Fort Calhoun Station, Unit 1 (FCS) associated with the Fukushima Near-Term Task Force recommendations. Order EA-12-051 requires that reliable spent fuel pool (SFP) instrumentation be installed and maintained in the event of a beyond-design-basis external event.

Section IV of Order EA-12-051 (the order) required that OPPD submit an overall integrated plan by February 28, 2013, describing how FCS planned to achieve compliance with the requirements of the order. The licensee responded to the order by letter dated February 28, 2013 (ADAMS Accession No. ML13059A268).

Section IV of the order also provided 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.

By letter dated June 24, 2016 (ADAMS Accession No. ML16176A213), OPPD submitted a Certification of Permanent Cessation of Power Operations for FCS in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Sections 50.82(a)(1)(i) and 50.4(b)(8). In this letter, OPPD provided notification to the NRC of its intent to permanently cease power operations by December 31, 2016. By letter dated August 25, 2016 (ADAMS Accession No. ML16242A127), OPPD revised its estimate for permanent cessation of operations to October 24, 2016. By letter dated November 13, 2016 (ADAMS Accession No. ML16319A254), OPPD certified to the NRC that it had permanently ceased power operations at FCS, effective October 24, 2016. Pursuant to 10 CFR 50.82(a)(1)(ii), the licensee also certified in the November letter that, as of November 13, 2016, it had permanently defueled the FCS reactor vessel and placed the fuel in the SFP.

By letter dated September 9, 2016 (ADAMS Accession No. ML16253A181), OPPD requested rescission of Order EA-12-051, to be effective upon 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.

Section III of the order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range 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.

Because the licensee for FCS docketed the 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 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, the basis for the order no longer applies to the configuration of FCS.

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind the order for FCS. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by the rescission of this order. Accordingly, pursuant to the authority granted to the Director, Office of Nuclear Reactor Regulation, Order EA-12-051 is rescinded in its entirety for FCS.

Sincerely,

A handwritten signature in black ink, appearing to read 'W M Dean', with a long horizontal line extending to the right.

William M. Dean, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: Listserv

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/RA/

William M. Dean, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: Listserv

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**ADAMS Accession No.: ML16320A287**

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