



444 South 16th Street Mall
Omaha, NE 68102-2247

LIC-13-0028
April 24, 2013

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

- References:
1. Docket Number 50-285
 2. Letter from NRC (J. A. Clark) to OPPD (D. J. Bannister), "Fort Calhoun - NRC Integrated Inspection Report Number 05000285/2012002," dated May 11, 2012 (NRC-12-0049) (EA-2012-095) (ML12132A395)
 3. Letter from OPPD (D. J. Bannister) to NRC (Document Control Desk), "Response to NRC Inspection Report 05000285/2012002, EA-2012-095," dated June 11, 2012 (LIC-12-0080) (ML12164A431)
 4. Letter from NRC (T. M. Blount) to OPPD (Lou Cortopassi), "Denial of Violation in NRC Inspection Report 05000285/2012002," dated September 14, 2012 (NRC-12-0088) (EA-2012-095) (ML12258A293)
 5. Letter from OPPD (Lou Cortopassi), "Response to Denial of Violation in NRC Inspection Report 05000285/2012002," dated November 6, 2012 (LIC-12-0152) (ML12312A109)
 6. Letter from NRC (M. Hay) to OPPD (Lou Cortopassi), "Fort Calhoun - NRC Inspection Report Number 05000285/2013011 and Notice of Violation," Dated March 11, 2013 (NRC-13-0029) (EA-13-043) (ML13070A399)

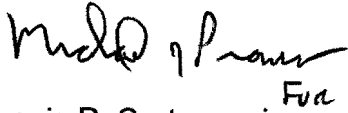
SUBJECT: NRC Inspection Report 05000285/2013011, Reply to a Notice of Violation (NOV); EA-13-043

On March 11, 2013, the Nuclear Regulatory Commission (NRC) transmitted Notice of Violation 05000285/2013011-01, "Continued Failure to Classify Intake Structure Sluice Gates as Safety Class 3," (EA-13-043) (Reference 6).

Pursuant to 10 CFR 2.201, OPPD acknowledges the violation occurred and a response to the NOV is provided in the enclosure to this letter. The regulatory commitment identified in Reference 5 above, is restated on the last page of the enclosure.

U. S. Nuclear Regulatory Commission
LIC-13-0028
April 24, 2013
Page 2

If you should have any questions, please contact Terrence W. Simpkin, Manager, Site Regulatory Assurance, at (402) 533-6263.

A handwritten signature in black ink, appearing to read "Louis P. Cortopassi".

Louis P. Cortopassi ^{Fva}
Site Vice President and CNO

Enclosure

LPC/rjr

- c: A. T. Howell, NRC Regional Administrator, Region IV
 L. E. Wilkins, NRC Project Manager
 J. M. Sebrosky, NRC Project Manager
 J. C. Kirkland, NRC Senior Resident Inspector

REPLY TO A NOTICE OF VIOLATION

Omaha Public Power District (OPPD)
Fort Calhoun Station (FCS)

Docket No. 50-285
License No. DPR-40
EA-13-043

During a Nuclear Regulatory Commission (NRC) inspection conducted from November 18, 2012 to February 28, 2013, a violation of NRC requirements was identified. The violation is restated below:

Title 10 CFR 50, Appendix B, Criterion III, "Design Control," requires, in part that measures shall be established to assure that applicable regulatory requirements and the design basis, as defined in 10 CFR 50.2, for those structures, systems, and components are correctly translated into specifications, drawings, procedures, and instructions.

Contrary to the above, the licensee failed to establish measures to assure that applicable regulatory requirements and the design basis for those components were correctly translated into specifications, drawings, procedures, and instructions. Specifically, the licensee failed to classify the six intake structure exterior sluice gates and their motor operators as Safety Class 3 as defined in the Updated Safety Analysis Report, Appendix N.

Background Information

As described in the vendor manual, the intake structure sluice gates were designed and manufactured to result in a nearly watertight enclosure. The sluice gates are incorporated barriers that:

1. When open, allow river water to fill the wet cells of the intake structure providing a source of water to the circulation and raw water pumps [they are not part of either system], and
2. When closed they are part of the Fort Calhoun Station's passive flood control system.

Sluice Gate Licensing Basis

Draft Description provided to District in response to an Atomic Energy Commission (AEC) question in 1970:

"For any water levels above 1007.5, the water level inside the intake structure is controlled by positioning the exterior sluice gates to severely restrict the inflow into the wet wells, along with pumping out at a rate equal to the inflow. Because of the wide head variation available, sluice gate and pump settings are self-balancing with reasonable limits"

Preliminary Safety Analysis Report (PSAR) and Final Safety Analysis Report (FSAR) Section 9.8:

“For water levels above 1007.5 feet, the water level inside the intake structure is controlled by positioning the exterior sluice gates to restrict the inflow in to the wet wells to match the rate of pumped outflow. Because of the wide head variations possible, the sluice gate and pump settings are automatic self-balancing within reasonable limits.” - The underlined language was removed during the USAR Verification Project in late 1999.

Updated Safety Analysis Report (USAR) Section 9.8 (Current):

“The water level inside the intake cells can be controlled by pre-positioning the exterior sluice gates (i.e., before floodwater reaches the elevation that prevents access to the sluice gate actuators) to severely restrict the inflow into the cells. Intake cell level is then controlled by varying the raw water pump output to remove the inlet flow. “

OPPD Response

1. Reason for the Violation

OPPD initially denied the original violation in Reference 1 and in Reference 2 the NRC stated its reasons why the violation was valid. As a result, OPPD attempted to reclassify the sluice gates as Safety Class 3 (SC3). However, they were never designed, procured, or maintained as a SC3 component. Once it was ascertained that reclassification was not possible, OPPD determined that an alternate means for providing cell level control, during times of high river level, was needed in order to provide flood protection for the raw water pumps. This method of controlling intake cell level was identified to the NRC in Reference 3 and in the public meeting held on March 27, 2013 (U.S. NRC Accession No.ML13101A223). The planned modification was discussed in the public meeting held on April 22, 2013 (U.S. NRC Accession No.ML13093A473). Additionally, the proposed modification would eliminate the need to reclassify the sluice gates as SC3.

Difficulties in the development of the modification lead to significant delays and the eventual issuance of violation EA-13-043.

2. Corrective Steps Taken and the Results Achieved

The sluice gates were inspected during the spring of 2012 and are being cycled monthly to verify closure.

3. Corrective Steps That Will be Taken

A modification will be installed that will eliminate the need to re-position the intake structure sluice gates during flood levels between 1,010 and 1,014 feet MSL.

OPPD will submit an amendment request in accordance with the requirements of 10 CFR50.59(c)(2) for the modification. The amendment request is on track to be submitted at the end of May 2013.

4. Date When Full Compliance Will be Achieved

Full compliance will be achieved upon final installation of the trash rack blowdown backflow modification which will eliminate the need to reclassify the sluice gates as SC3.

References:

1. Letter from OPPD (D. J. Bannister) to NRC (Document Control Desk), "Response to NRC Inspection Report 05000285/2012002, EA-2012-095," dated June 11, 2012 (LIC-12-0080) (ML12164A431)
2. Letter from NRC (T. M. Blount) to OPPD (Lou Cortopassi), "Denial of Violation in NRC Inspection Report 05000285/2012002," dated September 14, 2012 (NRC-12-0088) (EA-2012-095) (ML12258A293)
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Regulatory Commitments

Commitment	Date	AR Number
A modification will be installed that will eliminate the need to re-position the intake structure sluice gates during flood levels between 1,010 and 1,014 feet MSL.	June 1, 2013	AR 55733