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November 24, 2003

U. S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Document Control Desk

SUBJECT: Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318
Schedule Exemption from 10 CFR Part 50, Appendix E, Section IV.F.2.c –
Rescheduling of Biennial Full-Participation Emergency Preparedness Exercise

Pursuant to the requirements of 10 CFR 50.12(a), Calvert Cliffs Nuclear Power Plant, Inc. (CCNPP) requests a temporary one-time exemption from Section IV.F.2.c of 10 CFR Part 50, Appendix E regarding the conduct of a full-participation emergency preparedness exercise in 2003. Calvert Cliffs had previously scheduled a full-participation emergency preparedness biennial exercise to be conducted on October 21, 2003, to meet the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c. The requested exemption would authorize the rescheduling of the 2003 biennial full-participation emergency preparedness exercise for CCNPP to September 2004. Future full-participation exercises would be scheduled biennially from the year 2003. The most recently evaluated biennial full-participation exercise at CCNPP was conducted on September 9, 2002.

Calvert Cliffs Nuclear Power Plant previously requested a one-time exemption to reschedule the biennial full participation exercise from 2001 to 2002. The exemption, in a letter to Nuclear Regulatory Commission (NRC) dated September 28, 2001, cited the terrorist attacks of September 11, 2001 as grounds for postponing the full participation exercise by 12 months and continuing a biennial schedule from the year 2001. This previous extension required back-to-back full participation exercises in consecutive years to meet requirements. The current extension request commits to full participation exercises in 2004 and 2005 to satisfy biennial requirements.

The proposed deferral of the full-participation exercise has been discussed with the NRC, Federal Emergency Management Agency (FEMA), Maryland Emergency Management Agency (MEMA), and other local and state agencies having a role under the Emergency Response Plan. All of these agencies have indicated support for the proposed change in light of present circumstances that are beyond our control. Preparation for Hurricane Isabel and subsequent recovery efforts have consumed MEMA and local county resources that would have otherwise been used to support the evaluation scheduled for October 21, 2003. The drill occurred, as scheduled, without State of Maryland and local agency participation.

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Calvert Cliffs believes that the exemption requirements of 10 CFR 50.12(a) are satisfied. Special circumstances are present, as described in 10 CFR 50.12(a)(2)(v), to warrant granting the exemption.

THE REQUIREMENTS OF 10 CFR 50.12 ARE MET

The standards set forth in 10 CFR 50.12(a) provide that specific exemptions may be granted that:

- ◆ are authorized by law;
- ◆ will not present an undue risk to the public health and safety;
- ◆ are consistent with the common defense and security; and
- ◆ are accompanied by special circumstances.

Calvert Cliffs believes the requested exemption is clearly authorized by law and is consistent with the common defense and security. The remaining standards for the exemption are also satisfied, as described below.

The Requested Exemption Does Not Present an Undue Risk to the Public Health and Safety

Calvert Cliffs has previously conducted one full-participation emergency preparedness drill on September 9, 2002. Additionally, site-wide non-state participation drills were conducted on June 24, September 9, and October 21, 2003. Although not evaluated by NRC and FEMA, the June, September, and October 2003 drill results have been critiqued by our emergency response organization and independently by our Quality and Performance Assessment Department. Issues identified during these drills and critiques are being resolved under our corrective action program.

Calvert Cliffs has maintained emergency preparedness in accordance with the Emergency Response Plan. Requirements for semi-annual health physics exercises were met by the conduct of the June, September, and October 2003 drills. The requirement for a post-accident sampling exercise was met on October 9, 2003. The annual requirement for an environmental sampling exercise was met on July 28, 2003. A dose assessment office exercise was conducted on October 17, 2003. The annual requirement for a severe accident management exercise was met on October 21, 2003. State and county agencies conducted a FEMA evaluated ingestion pathway exercise on October 22 – 24, 2003.

The State of Maryland and local governments have maintained radiological emergency preparedness by fully participating in the ingestion pathway exercise on October 22 – 24, 2003. Additionally, the State agencies participated in the federally evaluated Peach Bottom Atomic Power Station exercise on November 19, 2002. Calvert County Public Safety, Calvert Memorial Hospital, and local rescue squads participated in a simulated contaminated injury drill at CCNPP on August 15, 2002. Two FEMA areas requiring corrective action and one planning issue await final disposition pending completion of the next full participation exercise.

The NRC has provided flexibility in scheduling full-participation emergency preparedness exercises by allowing licensees to schedule them at any time during the biennial calendar year. This provides a 12- to 36-month window to schedule full-participation exercises while still meeting the biennial requirement specified in the regulations. Conducting the Calvert Cliffs full-participation emergency preparedness exercise in calendar year 2004 places the exercise past the previously scheduled 2003 biennial exercise. However, the interval between biennial exercises would, at the most, be 24 months and 21 days, which is within the parameters of the existing general policy and practice.

Between October 2003 and September 2004, measures will be taken to maintain emergency preparedness at CCNPP. The existing training and drill schedule currently in place for emergency response activities will remain in place and be adjusted as necessary to ensure the readiness of both onsite and offsite emergency response personnel. For onsite emergency responders, this includes annual training and participation in drills. Calvert Cliffs will conduct quarterly combined functional and/or activation drills and a self-evaluated annual exercise. These drills and the self-evaluated annual exercise satisfy the drill requirements of 10 CFR Part 50, Appendix E, IV.F.2.b. Offsite agencies in Maryland are routinely invited to, and actively participate in, these drills and exercises as a training activity for offsite response personnel. Local response groups conduct annual training and participate in emergency operations center drills. Representatives of the Calvert Cliffs plant staff meet routinely with State and local emergency management and support groups. The rescheduling of the biennial exercise has been discussed with these parties and is supported by both State and local representatives. These measures will maintain an acceptable level of emergency preparedness during this period.

Special Circumstances are Present

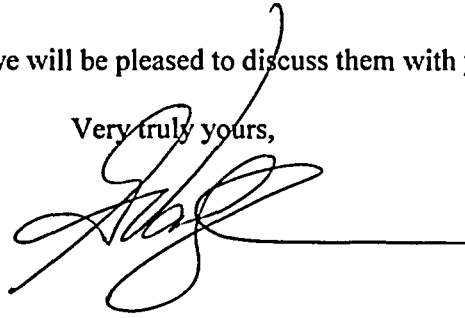
Calvert Cliffs believes that the exemption requirements of 10 CFR 50.12(a) are satisfied. Special circumstances are present, as described in 10 CFR 50.12(a)(2)(v), to warrant granting the exemption. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation. Section IV.F.2.c of 10 CFR Part 50, Appendix E requires each licensee at each site to conduct an exercise of offsite emergency plans biennially with full-participation by each offsite authority having a role under the plan. During such biennial full-participation exercises, the NRC evaluates onsite activities and FEMA evaluates offsite emergency preparedness activities. The most recently evaluated biennial full-participation exercise at Calvert Cliffs was conducted on September 9, 2002. The requested exemption provides only temporary relief from these requirements. Calvert Cliffs Nuclear Power Plant has made good faith efforts to comply with the regulation and, in fact, conducted the scheduled exercise October 21, 2003.

CONCLUSION

Only temporary relief from the regulation during these extraordinary conditions is provided by the requested exemption since an exercise will be conducted at a future date. Calvert Cliffs has consistently made a good faith effort to comply with the regulation. The exercise will be conducted in a time frame that is only slightly outside generally accepted policy. Calvert Cliffs believes that the exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(v). Granting of the exemption will not reduce the effectiveness of the emergency plan at CCNPP.

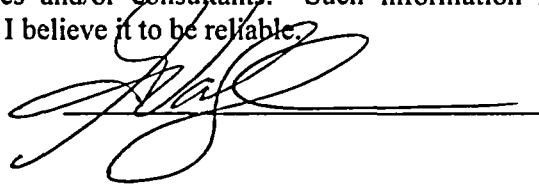
Should you have questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,



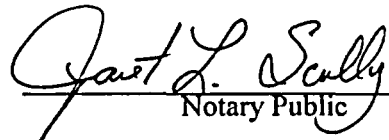
STATE OF MARYLAND :
: TO WIT:
COUNTY OF CALVERT :

I, George Vanderheyden, being duly sworn, state that I am Vice President - Calvert Cliffs Nuclear Power Plant, Inc. (CCNPP), and that I am duly authorized to execute and file this response on behalf of CCNPP. To the best of my knowledge and belief, the statements contained in this document are true and correct. To the extent that these statements are not based on my personal knowledge, they are based upon information provided by other CCNPP employees and/or consultants. Such information has been reviewed in accordance with company practice and I believe it to be reliable.



Subscribed and sworn before me, a Notary Public in and for the State of Maryland and County of St. Mary's, this 24th day of November, 2003.

WITNESS my Hand and Notarial Seal:


Notary Public

My Commission Expires:

March 25, 2007
Date

GVM/BJY/bjd

cc: J. Petro, Esquire
J.E. Silberg, Esquire
Director, Project Directorate I-1, NRC
G. S. Vissing, NRC

H. J. Miller, NRC
Resident Inspector, NRC
R. I. McLean, DNR