



Omaha Public Power District

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Omaha, NE 68102-2247

LIC-11-0077

July 29, 2011

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

References: 1. Docket No. 50-285
2. Regulatory Issue Summary 2006-03, *Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements*, dated February 24, 2006

Subject: Exemption Request from Biennial Emergency Preparedness Exercise Requirement in 10 CFR 50, Appendix E, Sections IV.F.2.b and c for Fort Calhoun Station

Pursuant to the requirements of 10 CFR 50.12(a), the Omaha Public Power District (OPPD) requests a one-time exemption from the requirements of 10 CFR 50, Appendix E, Sections IV.F.2.b and c regarding the conduct of a biennial full participation emergency preparedness exercise in 2011 at Fort Calhoun Station (FCS), Unit No. 1. These regulatory requirements direct the performance of a biennial exercise of the FCS emergency plan including full participation by offsite authorities. This schedular exemption is being requested as a result of Missouri River flooding conditions. It is expected that flood conditions for Nebraska and Iowa will continue for most of the summer of 2011, and then a cleanup/recovery process will need to be accomplished. Flood conditions have had a great impact on the emergency management agencies in Nebraska, Iowa and local communities.

Specifically, 10 CFR 50, Appendix E, Sections IV.F.2.b and c require the licensee to conduct a biennial exercise of its onsite and offsite emergency plans with full (or partial) participation by each offsite authority having a role under the radiological response plan. During such biennial exercises, the Nuclear Regulatory Commission (NRC) evaluates onsite and the Federal Emergency Management Agency (FEMA) evaluates offsite emergency preparedness activities, including interaction with the various State and local emergency management agencies. OPPD successfully conducted a full participation biennial exercise at FCS on July 21, 2009.

OPPD's next biennial exercise is scheduled for October 18, 2011. This exemption will allow OPPD to conduct a biennial exercise of the FCS emergency plan in calendar year 2012 on a date that is agreeable between OPPD, the NRC, FEMA, and other affected offsite agencies.

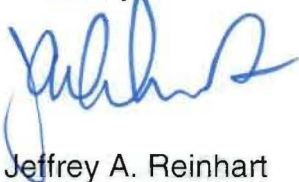
Only temporary relief from the regulation is requested, as FCS will resume its normal biennial exercise schedule in 2013.

Using the guidance in Reference 2, Attachment 1 provides the detailed basis and justification for this exemption request and addresses the exemption requirements of 10 CFR 50.12. As discussed in Attachment 1 and in accordance with 10 CFR 50.12(a)(1), the requested exemption is authorized by law, would not result in undue risk to the public health and safety, and is consistent with the common defense and security. This exemption request also meets the special circumstances criteria as set forth in 10 CFR 50.12(a)(2). Attachment 2 provides a table indicating the drills and off-year exercise performed since the 2009 biennial exercise.

OPPD requests NRC approval of this exemption request by September 20, 2011. There are no regulatory commitments in this letter.

If you should have any questions or require additional information regarding this exemption request, please contact Mr. Bill R. Hansher, Supervisor-Nuclear Licensing, at (402) 533-6894.

Sincerely,



Jeffrey A. Reinhart
Site Vice President

JAR/PAD/dll

Attachments: 1. OPPD's Exemption Request
2. Table 1 - Drills and Exercise Performed since 2009 Biennial Exercise

c: E. E. Collins, Jr., NRC Regional Administrator, Region IV
L. E. Wilkins, NRC Project Manager
J. C. Kirkland, NRC Senior Resident Inspector
J. F. Schwarz, Technical Hazards Section Supervisor, Nebraska Emergency Management Agency
J. Finn, Readiness and Response Bureau Chief, Iowa – Homeland Security Emergency Management

**Omaha Public Power District's (OPPD's) Exemption Request
From Biennial Emergency Preparedness Exercise Requirements**

I. Exemption Request to Defer Biennial Emergency Preparedness Exercise Required by 10 CFR 50, Appendix E, Sections IV.F.2.b and c

OPPD is requesting a one-time schedular exemption from the requirements of 10 CFR 50, Appendix E, Sections IV.F.2.b and c by deferring the full participation biennial exercise of the Fort Calhoun Station (FCS) emergency plan from October 18, 2011, to calendar year 2012, on a date mutually agreeable to OPPD, the NRC, and other affected offsite agencies.

This exemption request is justified by the existing and projected flooding conditions of the Missouri River at FCS and the impact of recovery actions on plant personnel, including emergency preparedness and response personnel. As a result of the flooded plant conditions, FCS personnel declared a notice of unusual event (NOUE) on June 6, 2011, and that plant emergency status remains in progress. It is expected that flood conditions for Nebraska and Iowa will continue for most of the summer of 2011, and then a cleanup/recovery process will need to be accomplished.

Flood conditions have had a great impact on the emergency management agencies in Nebraska, Iowa and local communities. The offsite local, state, and federal government agencies that are required to participate in the FCS biennial emergency preparedness exercise are directly participating in the response, recovery, and other continuing activities associated with the flooding of the Missouri River. Continued support of these ongoing efforts by the affected offsite local, state, and federal government agencies is in the best interest of the public to allow these government agencies to fully focus on the flood conditions without any unnecessary distractions.

II. 10 CFR 50.12 Requirements

The requested one-time exemption to allow deferral of the full participation biennial exercise of the FCS emergency plan from October 18, 2011, to calendar year 2012 meets the criteria of 10 CFR 50.12 as addressed below. 10 CFR 50.12 states that the Commission may grant an exemption from requirements contained in 10 CFR 50 provided that the requested exemption is authorized by law; the requested exemption will not present an undue risk to the public health and safety; the requested exemption is consistent with the common defense and security. 10 CFR 50.12 also states that the Commission will not consider granting an exemption unless special circumstances are present. Justification for the request for an exemption to the regulations of 10 CFR 50, Appendix E, Sections IV.F.2.b and c, in accordance with the requirements of 10 CFR 50.12, are provided as follows:

1. The requested exemption is authorized by law:

This proposed one-time schedular exemption will allow OPPD to defer the full participation biennial exercise of the FCS emergency plan to calendar year 2012. This deferral is necessary due to the existing and projected flooding conditions of the Missouri River and the impact of the recovery actions on plant personnel as well as on the resources of the affected emergency management teams. These offsite local, state, and federal government agencies that are required to participate in the FCS biennial emergency preparedness exercise are also directly participating in the response, recovery, and other continuing activities associated with the Missouri River floods. 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR 50, Appendix E with proper justification. No law exists that would preclude the activities covered by this exemption request. Therefore, the requested exemption is authorized by law.

2. The requested exemption will not present an undue risk to the public health and safety:

The requested exemption is a one-time deviation from the current schedule to allow deferral of the full participation biennial exercise of the FCS emergency plan from October 18, 2011, to calendar year 2012. Future biennial emergency preparedness exercises will be scheduled from the year 2011.

The underlying purposes for conducting a biennial exercise are to ensure that emergency organization personnel are familiar with their duties, to test the adequacy of emergency plans, and to identify and correct weaknesses. The previous full participation biennial exercise of the FCS emergency plan was performed on July 21, 2009. The results of this exercise determined that the overall performance of the emergency response organization (ERO) demonstrated that onsite emergency plans are adequate and that the organization is capable of implementing these plans. The NRC evaluated the 2009 biennial emergency plan exercise and provided the evaluation results in NRC integrated inspection report (IR) 05000285/2009004 dated November 13, 2009 (ML093170424). No NRC findings of significance were identified.

OPPD successfully completed several drills and an off-year exercise subsequent to the July 21, 2009 exercise. These drills and exercise are provided in Table 1 of Attachment 2. These drills and off-year exercise collectively exercised the principal functional areas of emergency response, including management, coordination of emergency response, accident assessment, protective action decision-making, public alerting and notification procedures, and plant systems diagnostics, repairs and corrective actions.

These training drills, table top drills, and the 2010 exercise, each concluded that "...state of emergency preparedness at the Fort Calhoun Station does provide reasonable assurance that adequate protective measures can and will be taken in the event of an actual radiological emergency."

Planned Training Drills:

The following training drills and exercise are currently planned for 2011-2012:

2011 August 16, 2011 - Training Drill designated for the FCS Red ERO team.

2012 - Three training drills are planned, one for each of the three FCS color teams.
- An "All Call Out" dress rehearsal (if this exemption request is approved).
- A graded exercise (if this exemption request is approved).

3. The requested exemption is consistent with the common defense and security:

The common defense and security are unaffected by this exemption request which allows rescheduling the biennial emergency preparedness exercise from the currently scheduled date of October 18, 2011, to calendar year 2012, on a date that is agreeable between the NRC, OPPD, FEMA, and other affected offsite agencies. This change to the emergency preparedness exercise schedule has no relation to security issues. Therefore, this exemption request is consistent with the common defense and security.

4. Special circumstances are present which necessitate the request for an exemption to the regulations of 10 CFR 50, Appendix E, Sections IV.F.2.b and c:

Pursuant to 10 CFR 50.12(a)(2), the NRC will consider granting an exemption to the regulation if special circumstances are present. This exemption request meets the special circumstances of paragraphs:

(a)(2)(ii) - Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or

(a)(2)(v) - would provide only temporary relief from the applicable regulation and licensee has made good faith efforts to comply with the regulations...;

10 CFR 50.12(a)(2)(ii): The underlying purpose of 10 CFR 50, Appendix E, Sections IV.F.2.b. and c is to ensure that emergency response organization personnel are familiar with their duties, to test the adequacy of emergency plans, and to identify and correct weaknesses. The intent of this requirement is also met by the scheduled emergency plan participation drills and exercises, which are performed in excess of the regulatory requirement and provide a benefit by allowing for more opportunities for training of response personnel.

The previous training drills and off-year exercise conducted at FCS since the last biennial exercise on July 21, 2009, have adequately demonstrated the capability of onsite and offsite personnel. Therefore, by having conducted these series of training drills and the off-year exercise, the intent of this requirement is met. These measures

are adequate to maintain an acceptable level of emergency preparedness during this period which satisfies the underlying purpose of the rule. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are satisfied.

10 CFR 50.12(a)(2)(v): The requested exemption would provide only temporary relief from the applicable regulation and the licensee has made a good faith effort to comply with the regulation. The requested exemption is a one-time schedule exemption to allow deferral of the full participation biennial exercise of the FCS emergency plan from October 18, 2011, to calendar year 2012, on a date mutually agreeable to the NRC, OPPD, and other affected offsite agencies. OPPD is only requesting temporary relief from the regulation as FCS will resume its normal biennial exercise schedule in 2013.

The scheduled October 18, 2011, full participation exercise is to satisfy the requirements of 10 CFR 50, Appendix E, Sections IV.F.2.c. The full participation of affected offsite organizations had been established, coordinated and continued until the ongoing involvement of offsite agencies in the response, recovery, and other activities associated with the Missouri River flooding. The conditions necessitating the requested exemption could not have been foreseen and are beyond the control of OPPD personnel.

Due to the present flooding conditions that are expected to last for several months, there are many problems and hardships the states and counties are dealing with on a continuous basis that are straining the resources of the emergency management teams. The offsite local, state, and federal government agencies that are required to participate in the FCS biennial exercise are directly participating in the response, recovery, and other continuing activities associated with the Missouri River floods. Therefore, the performance of an emergency plan exercise may result in undue stress and risk to the general public and plant personnel. Continued support of these ongoing efforts by the affected offsite local, state, and federal government agencies is in the best interest of the public to allow these government agencies to fully focus on the flood conditions without any unnecessary distractions.

Thus, this exemption request meets the special circumstances of 10 CFR 50.12(a)(2).

III. Environmental Consideration

The exemption request defers the October 18, 2011, biennial emergency preparedness exercise to calendar year 2012. This schedular exemption request, if granted, would not change any requirements with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR 20; nor would the schedular exemption request change an inspection or surveillance requirement.

Therefore, the proposed exemption does not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluent that may be released offsite, (iii) a significant increase in individual or cumulative public or occupational radiation exposure, (iv) significant construction impact, or (v) a significant increase in the potential for or consequences from radiological accidents. The schedular exemption request is confined to administrative procedures or requirements. Accordingly, the exemption meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25)(vi)(G) for scheduling requirements.

Therefore, pursuant to 10 CFR 51.22(c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the schedular exemption request for the FCS biennial emergency preparedness exercise.

IV. Conclusion

Based on the above information, OPPD requests a one-time schedular exemption from the requirements of Sections IV.F.2.b and c of 10 CFR 50, Appendix E by deferring the full participation biennial exercise of the FCS emergency plan from October 18, 2011, to calendar year 2012. This requested exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and presents special circumstances as set forth in 10 CFR 50.12(a)(2).

Table 1 - Drills and Exercise Performed since 2009 Biennial Exercise

Drill or Exercise Event	FCS Participation	Integrated Capability and Functions Tested during this Drill	Offsite Response Organization (ORO) Participation
Table Top Training for all Command and Control Positions – 3rd Quarter 2009	Station Emergency Response Organization Selected Command and Control Participants	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency response • Public Alerting and Notification Procedures • Protective Action Decision-making 	No ORO participation was received for this training and evaluation.
After-hours drill (All Call Out) – September 17, 2009	Full Station Participation including Station Emergency Response Facilities, except Joint Information Center (JIC).	<ul style="list-style-type: none"> •Staff all facilities with Minimum and Augmented positions within 60 minutes of the INS notification •Perform timely and accurate classification of emergency conditions •Maintain appropriate logs and records during emergency/exercise/drill •Maintain effective communications with the ERO throughout the emergency •Demonstrate the adequacy of equipment, method of operation, and procedures •Use of Human Performance Tools 	State and local Governments for Communications/Notifications.
Training Drill – February 9, 2010	FCS Red Team Participated. All Station ERO facilities, except JIC, participated.	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency Response • Technical Support Center Operations • Operations Support Center Operations • Emergency Operations Facility Operations • Diagnostics, Repairs and Corrective Actions of Plant Systems • Site Evacuation, Personnel Accountability, and Access Control • Public Alerting and Notification Procedures • Radiological Monitoring and Dose Assessment • Protective Action Decision-making 	State and local Governments for Communications.
Training Drill – March 16, 2010	FCS White Team Participated. All Station ERO facilities except JIC participated.	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency Response • Technical Support Center Operations • Operations Support Center Operations • Emergency Operations Facility Operations • Diagnostics, Repairs and Corrective Actions of Plant Systems • Site Evacuation, Personnel Accountability, and Access Control • Public Alerting and Notification Procedures • Radiological Monitoring and Dose Assessment • Protective Action Decision-making 	State and local Governments for Communications. Iowa State Field Teams Participated.

Drill or Exercise Event	FCS Participation	Integrated Capability and Functions Tested during this Drill	Offsite Response Organization (ORO) Participation
Training Drill – May 25, 2010	FCS Blue Team Participated. All station ERO facilities participated, including JIC.	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency Response • Technical Support Center Operations • Operations Support Center Operations • Emergency Operations Facility Operations • Diagnostics, Repairs and Corrective Actions of Plant Systems • Site Evacuation, Personnel Accountability, and Access Control • Public Alerting and Notification Procedures • Radiological Monitoring and Dose Assessment • Protective Action Decision-making 	State and local Governments for Communications. Iowa State Field Teams Participated.
Off-Year Exercise (All Call Out) – September 28, 2010	Full Station including all station Emergency Response Facilities, including JIC.	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency Response • Technical Support Center Operations • Operations Support Center Operations • Emergency Operations Facility Operations • Diagnostics, Repairs and Corrective Actions of Plant Systems • Site Evacuation, Personnel Accountability, and Access Control • Public Alerting and Notification Procedures • Radiological Monitoring and Dose Assessment • Protective Action Decision-making 	State and local Governments for Communications. Iowa and Nebraska Field Teams Participated.
Table Top Training for all Command and Control Positions – 4th Quarter 2010	Station Emergency Response Organization Selected Command and Control Participants	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency response • Public Alerting and Notification Procedures • Protective Action Decision-making 	No ORO participation was received for this training and evaluation.
Training Drill – February 8, 2011	FCS White Team Participated. All Station ERO facilities, except JIC, participated.	<ul style="list-style-type: none"> • Accident Assessment and Classification • Command and Control Direction and Coordination of the Emergency Response • Technical Support Center Operations • Operations Support Center Operations • Emergency Operations Facility Operations • Diagnostics, Repairs and Corrective Actions of Plant Systems • Site Evacuation, Personnel Accountability, and Access Control • Public Alerting and Notification Procedures • Radiological Monitoring and Dose Assessment • Protective Action Decision-making 	State and local Governments for Communications. Iowa and Nebraska State Field Teams Participated.