

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
OMAHA PUBLIC POWER DISTRICT)	Docket No. 50-285
)	
(Fort Calhoun Station, Unit 1))	

EXEMPTION

I.

The Omaha Public Power District (OPPD/the licensee) is the holder of Facility Operating License No. DPR-40, which authorizes operation of the Fort Calhoun Station, Unit 1 (the facility), at steady state reactor core power levels not in excess of 1500 megawatts thermal. This facility is a pressurized water reactor located in Washington County, Nebraska. The license provides, among other things, that Fort Calhoun Station, Unit 1 is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

II.

The proposed action would exempt the licensee from the filing time requirements of 10 CFR 50.36a(a)(2) regarding the submission of the report of annual radioactive liquid and gaseous effluents released to unrestricted areas during the previous calendar year. By letter dated May 25, 1994, the licensee requested an exemption from 10 CFR 50.36a(a)(2) to allow the licensee to change the date specified in the technical specifications for submitting this report from March 1 to before May 1, starting in 1995. These reports are required by 10 CFR 50.36a(a)(2) to be submitted at intervals no greater than 12 months. Because of the change, the interval between the 1994 and the 1995 reports will be greater than 12 months.

III.

The Commission has reviewed the licensee's rationale for a one-time exemption from 10 CFR 50.36a(a)(2) in order to allow for the submittal date in the technical specifications (TS) to be changed to May 1.

Based on its review, the Commission finds the licensee has shown good cause for the requested exemption from 10 CFR 50.36a(a)(2). The proposed exemption is needed to allow the licensee to take advantage of the new date that the report would be due, under the guidance of a draft generic letter regarding the new 10 CFR Part 20. The previous TS 5.9.4.a was based on the old requirement that the report be submitted within 60 days after January 1 of each year (March 1). Approval of the new TS will require this one time exemption to change the date of submission from March 1 to any date prior to May 1. This exemption will not affect the information required to be submitted for the time period the report covers (the previous calendar year's data); only the date the report is to be submitted would be changed. The special circumstances required by 10 CFR 50.12(a)(2)(ii) are present since the application of the submittal time requirement of 10 CFR 50.36a(a)(2) to the Annual Radioactive Effluent Release Report is not required to achieve the underlying purpose of the rule. Therefore, the request to extend the time requirement for submission of the annual report is acceptable.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security; and that special circumstances are present as set forth above.

Therefore, the Commission hereby grants an exemption from the time requirements of 10 CFR 50.36a(a)(2).

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (59 FR 39579).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY:

Jack W. Roe, Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 22nd day of September 1994

* See previous concurrence

OFC	PD4-2:LA	PD4-2:PM	PD4-2:D	NRR:PR	OGC
NAME	EPeyton	SBKrom:ye	TQuay	LCunningham*	SHom*
DATE	9/8/94	9/8/94	9/12/94	8/11/94	8/31/94

OFC	AD:DRPW	D:DRPW 2/22
NAME	EAdensam	JRoe
DATE	9/22/94	9/22/94

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Therefore, the Commission hereby grants an exemption from the time requirements of 10 CFR 50.36a(a)(2).

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (59 FR 39579).

This exemption is effective upon issuance.

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