

**Omaha Public Power District**

P.O. Box 399 Hwy. 75 - North of Ft. Calhoun Fort Calhoun, NE 68023-0399  
402/636-2000

December 15, 1995  
LIC-95-0238

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Mail Station P1-137  
Washington, D.C. 20555

- References:
1. Docket No. 50-285
  2. Letter from OPPD (T. L. Patterson) to NRC (Document Control Desk) dated August 11, 1995 (LIC-95-0153)
  3. Letter from NRC (R. A. Scarano) to OPPD (T. L. Patterson) dated August 29, 1995
  4. Letter from OPPD (T. L. Patterson) to NRC (Document Control Desk) dated September 5, 1995 (LIC-95-0169)
  5. Letter from OPPD (T. L. Patterson) to NRC (Document Control Desk) dated December 8, 1995 (LIC-95-0226)

**SUBJECT:    Schedular Exemption Request from 10 CFR Part 50, Appendix E,  
              Requirements for Completing a Biennial Full Participation Exercise**

In Reference 5, The Omaha Public Power District (OPPD) sought a full exemption from the 10 CFR Part 50, Appendix E, Section F.2.c requirements for completing a biennial exercise with full offsite agency participation in the calendar year 1995. In a conference call among OPPD, NRC Region IV, NRR and the Federal Emergency Management Agency (FEMA) Region VII personnel held on December 14, 1995, it was established that the NRC can not approve the Reference 5 request. In recognition of the need to resolve the issue expeditiously, OPPD is revising the Reference 5 request to the schedular exemption request contained in this letter.

The State of Nebraska, the State of Iowa, OPPD and all local and volunteer agencies were fully prepared to conduct a full-scale biennial emergency exercise for the Fort Calhoun Station (FCS) on Tuesday, November 14, 1995. This exercise was intended to satisfy the requirements of 10 CFR 50, Appendix E, Section F.2.c. (The last complete FEMA observed biennial exercise was conducted on June 29-30, 1993.) Exercise objectives were submitted in Reference 2 and approved by both the NRC (onsite objectives) and FEMA (offsite objectives) in preparation for OPPD's November 14, 1995 exercise. The exercise scenario was submitted in Reference 4.

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Several weeks prior to the November 1995 exercise, FEMA representatives notified both states and OPPD that FEMA was uncertain of how the ongoing impasse concerning the 1996 Federal Budget approval in Congress would affect FEMA's abilities to support the scheduled exercise. The 1996 Federal Budget approval extension was scheduled to terminate at 2400 hours on November 13, 1995.

On November 8, 1995, the Assistant Director of the Nebraska State Civil Defense Agency discussed with the Regional Administrator of FEMA, Region VII, whether or not FEMA considered the evaluation of the exercise "essential." FEMA was requested to make this determination quickly in order to provide sufficient time to cancel and reschedule participants and facilities. Similar discussions were also being held between the State of Iowa representatives and FEMA, Region VII.

On November 9, 1995, the Regional Administrator of FEMA, Region VII, contacted the State of Nebraska to inform them that FEMA Headquarters would not approve the exercise as "essential." However, FEMA deferred any final decision making associated with this exercise to early morning November 13, 1995. The State of Nebraska reluctantly agreed to that schedule indicating that an early morning decision would provide the minimum amount of time necessary to cancel exercise participants and facilities, without extensive costs to the state and/or OPPD.

At approximately 0930 hours on November 13, 1995, the Radiological Assistance Committee Chairman for FEMA, Region VII, contacted both states and OPPD to announce that FEMA had withdrawn from the exercise. Based on this decision, both states canceled any further exercise participation with the exception of providing support, upon OPPD's request, at OPPD's Emergency Operations Facility (EOF). The cancellation included all offsite facilities, state and local employees, military support personnel, volunteers and associated logistics (e.g., food and equipment). Although requested by OPPD, FEMA did not support the evaluation of state activities at the EOF.

At approximately 1430 hours on November 13, 1995, FEMA notified both states and the licensee that they could support the exercise activities. Based on the facts that the majority of the offsite exercise participants had already been canceled (including lodging, transportation, logistics, etc.) and that the State of Nebraska had begun to implement their own staffing options to address the lack of a federal budget, the states were unable to recover facilities and participants in time to conduct the scheduled exercise the following morning.

The onsite exercise continued as scheduled, with the exception of the Media Release Center being canceled (due to the absence of state or federal participation). The State of Iowa provided a staff representative at the EOF to provide interface communications with the licensee.

However, the State of Iowa was unable to conduct any field team activities due to a lack of travel time needed to reach Omaha after the cancellation. The State of Nebraska provided a participant in the role of Governor's Authorized Representative and the Department of Health provided dose assessment and field team participation at the EOF.

Throughout 1995, both states have been fully involved in the training, drilling and exercising of their respective state and local functions identified within the various offsite plans for FCS. This involvement included full participation by the state and local agencies in the full-scale exercise conducted on October 3, 1995, with all agencies identifying their own areas for improvements.

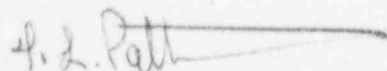
FEMA completed off-exercise evaluations of the Iowa reception and care facilities, the emergency worker decontamination facility, the evacuee receiving hospital, the local nursing home facility and the school districts during the period of November 12-13, 1995. FEMA also conducted off-exercise evaluations of Nebraska reception and care facilities and the emergency worker decontamination facility on December 5, 1995.

Based on the further enhancements identified and implemented following the October 3, 1995 exercise, OPPD is confident that both states have met the intent of 10 CFR Part 50, Appendix E, Section F.2.g. Likewise, the states and OPPD are confident in their abilities to protect the health and safety of the public as demonstrated in various training sessions, drills, the October 3, 1995 and November 14, 1995 exercises, and the off-exercise FEMA demonstrations on November 12-13, and December 5, 1995.

Because the November exercise lacked full offsite agency participation and FEMA observation, the NRC has determined that OPPD did not fully comply with the biennial exercise requirements of 10 CFR 50, Appendix E, Section F.2.c. Due to time and resource constraints, OPPD cannot accommodate another exercise during the 1995 calendar year to achieve compliance. Therefore, OPPD requests a schedular exemption to this requirement. OPPD will support the necessary exercise demonstrations of offsite agencies by the end of the first quarter of 1996. This schedular exemption is justified because OPPD's November 14, 1995, exercise did not include FEMA observation due to unique circumstances beyond the control of the states, local agencies or the licensee. OPPD will coordinate with FEMA to determine appropriate exercise objectives and scenario requirements.

If you should have any questions, please contact me.

Sincerely,



T. L. Patterson  
Division Manager  
Nuclear Operations

- c: Winston & Strawn  
L. J. Callan, NRC Regional Administrator, Region IV  
L. R. Wharton, NRC Project Manager  
W. C. Walker, NRC Senior Resident Inspector  
A. D. McQueen, NRC Region IV  
R. G. Bissell, FEMA, Region VII  
W. E. Whitney, State of Nebraska  
E. M. Gordon, State of Iowa