

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
OMAHA PUBLIC POWER DISTRICT
Fort Calhoun Station, Unit 1

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Docket No. 50-285

EXEMPTION

I.

The Omaha Public Power District (OPPD or the licensee) holds Facility Operating License No. DPR-40, which authorizes operation of the Fort Calhoun Station, Unit 1. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility consists of one pressurized water reactor located at the licensee's site in Washington County, Nebraska.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2.c of Appendix E requires that each licensee at each site conduct an exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially. Section IV.F.2 also requires full or partial participation by State and local governments within the plume exposure pathway emergency planning zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(v) of 10 CFR 50 describes the special circumstances where an exemption would provide only temporary relief from the applicable regulations and the licensee or applicant has made good faith efforts to comply with the regulations.

III.

By letter dated December 8, 1995, and supplemental letter dated December 15, 1995, OPPD requested a schedular exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c that requires a biennial exercise with State and local government authorities within the plume exposure pathway emergency planning zone (EPZ). The licensee has requested to postpone, until the first quarter of 1996, the offsite portion of the biennial full-scale emergency preparedness exercise which had been scheduled for November 1995.

This schedular exemption is requested by the licensee since the Federal Emergency Management Agency (FEMA) and the States had to cancel their evaluation and participation in the offsite portion of the exercise conducted on November 14, 1995. This request resulted from the impasse relative to passage of the Federal budget that caused a shutdown of FEMA and lack of funding for some State appropriations.

The licensee provided the following basis for supporting the requested schedular exemption:

OPPD, along with the States of Nebraska and Iowa, as well as local officials and volunteer agencies, were fully prepared to conduct a biennial full-scale emergency exercise for the Fort Calhoun Station (FCS) on November 14, 1995. The onsite and offsite objectives and scenario were approved respectively by NRC and FEMA. This exercise was designed to satisfy the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c. The last biennial exercise was conducted on June 29-30, 1993.

In the weeks prior to the exercise, FEMA was unsure whether it could support the exercise as the result of the Federal budget impasse. Some State of Nebraska personnel were also affected by the budget crisis in that some State positions are federally funded. The licensee satisfactorily conducted the onsite portion of the exercise in the absence of full participation by the States and evaluation by FEMA. There were no identified exercise weaknesses associated with the onsite portion of the exercise.

Based upon a review of the licensee's request for a schedular exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c, the staff finds that the exemption would provide only temporary relief from the applicable regulations.

IV.

Accordingly, the Commission has determined pursuant to 10 CFR 50.12, this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. The Commission further determines that special circumstances described by 10 CFR 50.12(a)(2)(v) exist in that granting the exemption would provide only temporary relief from the applicable regulations and the licensee has made good faith efforts to comply with the regulations.

Therefore, the Commission hereby grants Omaha Public Power District an exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 66995).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By

Gail H. Marcus, Acting Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 28th day of December 1995.

*For previous concurrences see attached ORC

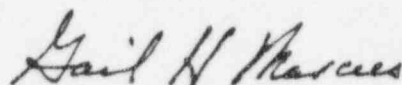
OFC	LA:PD4-2	PM:PD4-2	TERB*	PD:PD4-2	OGC	D:DRPW
NAME	EPeyton	LRWharton	CMiller	WBateman	StW	JRoe GHM for
DATE	12/22/95	1/195	12/22/95	1/195	12/21/95	12/28/95

Therefore, the Commission hereby grants Omaha Public Power District an exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c.

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NAME	<i>EPeyton</i>	LRWharton	CMiller	WBateman	<i>ETw...</i>	JRoe <i>GHM for</i>
DATE	<i>12/28/95</i>	<i>1 / 95</i>	12/22/95	<i>1 / 95</i>	<i>12/26/95</i>	<i>12/28/95</i>