

**Fort Calhoun Station, Unit 1**  
**Revised Post-Shutdown Decommissioning Activities Report Review**  
**Request for Additional Information**

Background

Omaha Public Power District (OPPD) submitted its original Post-Shutdown Decommissioning Activities Report (PSDAR) by letter dated March 30, 2017 (ADAMS Accession No. ML17089A759). NRC staff determined that additional information was needed to complete their review of the original PSDAR and issued a Request for Additional Information (RAI) letter dated October 5, 2017 (ADAMS Accession No. ML17193A263). Specifically, the RAI letter asked for information related to the environmental impact determinations regarding Federally and State-listed Threatened and Endangered Species and Environmental Justice. OPPD's response, dated December 14, 2017 (ADAMS Accession No. ML17348A623), provided adequate response to NRC staff RAIs. By letter dated March 23, 2018 (ADAMS Accession No. ML18011A687), NRC staff determined that OPPD satisfied the requirements of 10 CFR 50.82(a)(4)(i) regarding the environmental impacts associated with site-specific decommissioning activities at Fort Calhoun Station, Unit 1.

The regulation 10 CFR 50.82(a)(7) states, in part, that "...the licensee shall notify the NRC, in writing and send a copy to the affected State(s), before performing any decommissioning activity inconsistent with, or making any significant schedule change from, those actions and schedules described in the PSDAR..." In a letter dated December 16, 2019 (ADAMS Accession No. ML19351E355) OPPD stated that they planned to transition from the SAFSTOR ("deferred dismantling") to the DECON ("immediate dismantling") method of decommissioning, thus requiring the submittal of a revised PSDAR.

Request for Additional Information

The NRC staff has reviewed OPPD's revised PSDAR submittal for transitioning to the DECON method of decommissioning and determined that additional information is required to enable the NRC staff to make an independent assessment regarding its technical review, requested below:

1. Provide a copy of Reference 17 of the revised PSDAR for NRC staff review:  
"Updated Environmental Report Fort Calhoun Station, File No. 127690-003," dated December 2018.
2. Provide a copy of Reference 20 of the revised PSDAR for NRC staff review:  
ESI (Environmental Solutions & Innovations, Inc.) - "Northern Long-Eared Bat Acoustic and Mist Net Surveys on Fort Calhoun Station in Washington County, Nebraska," dated September 2018.
3. In its December 14, 2017, RAI response, OPPD stated that the northern long-eared bat is not present near the site and would, therefore, not be affected by decommissioning. However, Section 5.1.7, "Threatened and Endangered Species," of the revised PSDAR states that federally threatened northern long-eared bats (*Myotis septentrionalis*) were detected during acoustical and mist net surveys conducted at Fort Calhoun in August 2018. The revised PSDAR finds that:

[T]he planned decommissioning of FCS will not result in a direct mortality or otherwise jeopardize the local population of any threatened or endangered species.

“Take” in any form is strictly prohibited under Section 9 of the Endangered Species Act of 1973, as amended. Take is not limited to direct mortality, but also includes any harassment or harm, among other forms of impacts. Incidental take is take that results from, but is not the purpose of, carrying out an otherwise lawful activity. The revised PSDAR does not fully analyze all forms of take that may occur during decommissioning.

- a. Please more fully explain how decommissioning activities may affect northern long-eared bats in the area by assessing all possible effects and forms of take that may occur during the decommissioning period. For instance, impacts to bats may result from:
  - mortality or injury from collisions with plant structures, equipment, or vehicles;
  - habitat loss, degradation, disturbance, or fragmentation, and associated effects; and
  - behavioral changes resulting from noise, lighting, and other factors associated with decommissioning activities.

The above list is not comprehensive, and other effects may be relevant for the assessment.

- b. If adverse effects or incidental take of northern long-eared bats is possible, please explain how OPPD would obtain the necessary permits under either Endangered Species Act (ESA) Section 7 or ESA Section 10 to exempt such take during the decommissioning period.
4. Section 5.1.14 of the revised PSDAR provides an analysis of potential impacts to cultural, historic, and archeological resources. In reviewing this analysis, staff identified two issues of concern related to the protection of historic and cultural resources at FCS that were not identified during the review of the original PSDAR:
    - a. OPPD’s review of available information identified the presence of remnants from the former town of DeSoto, a historic site “potentially” eligible for listing in the National Register of Historic Places (NRHP) and located within the lands housing FCS. However, staff have determined that the DeSoto townsite’s eligibility as a historic property was characterized inconsistently in the 2003 Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG-1437), Supplement 12 “Regarding Fort Calhoun Station,” and this irregularity was carried forward into the original and revised PSDARs. Specifically, the Nebraska State Historic Preservation Office’s records, described in an e-mail dated March 15, 2020 (ADAMS Accession No. ML20100L723), identify that the DeSoto townsite was formally determined eligible for listing on the NRHP in 1989. Accordingly, the revised PSDAR should be revised or supplemented to reflect the townsite’s correct NRHP eligibility status.
    - b. The consideration of nuclear power plants for inclusion in the NRHP or Historic American Engineering Record (HAER) increases as the age of the nuclear power plant approaches or exceeds 50 years of age – one of the criterion for inclusion on the register/record. The decision on whether a nuclear power plant can be considered a historic property and eligible for inclusion is determined by each state historic preservation officer (SHPO). OPPD did not indicate in the revised PSDAR whether they have considered the eligibility of the FCS nuclear facility itself for

inclusion on the register or record. There is also no indication that OPPD had contacted the Nebraska SHPO regarding this matter.

Section 4.3.14.2 of NUREG-0586, "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities: Supplement 1, Regarding the Decommissioning of Nuclear Power Reactors," (page 4-67) states:

In a few situations, the nuclear facility itself could be potentially eligible for inclusion in the National Register of Historic Places, especially if it is older than 50 years and represents a significant historic or engineering achievement. In this case, appropriate mitigation would be developed in consultation with the SHPO [State Historic Preservation Officer]. Even for buildings that are less than 50 years old, the processes and engineering that were employed may be of interest and may be eligible for the Historic American Engineering Record.

In order to remain in compliance with the National Historic Preservation Act, the NRC is required to take into account the effects of its undertakings on historic properties (see "Protection of Historic Properties" regulations, 36 CFR 800). Under these regulations, the NRC staff's review of the PSDAR may be considered an undertaking (see 36 CFR 800.16(y)).

According to Protection of Historic Properties regulations in 36 CFR 800.4(a)(2), Identification of historic properties, in consultation with the SHPO, the NRC is required to "Review existing information on historic properties within the area of potential effects, including any data concerning possible historic properties not yet identified." In addition, according to 36 CFR 800.4(a)(3), the NRC must "Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties...."

Regulations in 36 CFR 800.4(c)(1) state:

In consultation with the SHPO...the agency official shall apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility.

If requested by the Nebraska SHPO, an eligibility determination for NRHP listing status would need to be conducted by a professional that meets the Secretary of the Interior's standards in 36 CFR 61. A professional, experienced in conducting Historic American Building Surveys, would also be needed to determine the eligibility of listing FCS in the Historic American Engineering Record.

In light of these considerations, does OPPD plan to determine, in consultation with the Nebraska SHPO, the eligibility of the FCS facility itself for inclusion in the National Register of Historic Places or Historic American Engineering Record, and, if required, identify appropriate mitigation measures (e.g., preservation of historic information and data) potentially resulting from this consultation?