

November 9, 2004

**SAFEGUARDS INFORMATION**

EA 04-185  
EA 04-187

Mr. R.T. Ridenoure, Site VP and CNO  
Fort Calhoun Station  
Omaha Public Power District  
9750 Power Lane  
Blair, NE 68008

SUBJECT: ISSUANCE OF ORDERS FOR INTERIM SAFEGUARDS AND SECURITY  
COMPENSATORY MEASURES AND FOR IMPLEMENTATION OF  
ADDITIONAL SECURITY MEASURES ASSOCIATED WITH ACCESS  
AUTHORIZATION FOR FORT CALHOUN STATION

Dear Mr. Ridenoure:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued the enclosed Orders (Enclosures 1 and 3) that modify the general license for your **proposed** independent spent fuel storage installation (ISFSI) to require compliance with the specified: interim safeguards and security compensatory measures (ICMs found in Enclosure 2), which is Attachment 1 to Enclosure 1; and additional security measures associated with access authorization (ASMs found in Enclosure 4), which is Attachment 1 to Enclosure 3. Enclosure 5 is an NRC Regulatory Information Summary regarding the NRC Threat Advisory and Protective Measures System for ISFSIs. Enclosures 2, 4, and 5 contain Safeguards Information (SGI).

The Commission has determined that additional security measures are required following the events of September 11, 2001, and has concluded that the security measures should be embodied in Orders, consistent with the established regulatory framework. Due to the current threat environment, the requirements of the enclosed Orders must be in place prior to first receipt of spent fuel and initial operations at your ISFSI.

These actions are interim and the basis for the Orders is the need to take prudent actions to address security requirements in the current threat environment. The Orders do not obviate

WARNING: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information" is subject to Civil and Criminal Penalties.

NOTICE: Upon removal of Enclosures 2, 4, and 5 to the Letter, this document and enclosed Orders (Enclosures 1 and 3) are DECONTROLLED

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the need for licensees to continue to meet and maintain the effectiveness of existing security measures taken in response to the events of September 11, 2001. The requirements will remain in effect until the Commission determines otherwise.

The enclosed Orders call for responses and actions within specified time frames. With respect to the notices and submission required by Sections III.B and III.C of the Orders, for any requirement of the ICMs or ASMs (SGI attachments to the Orders) that requires an analysis or is contingent upon completion of another requirement of the ICMs or ASMs, it will be a sufficient response if the licensee states in its 20-day submission:

- (1) that completion of the requirement is dependent upon completion of an analysis or other requirement;
- (2) the expected date of completion of the analysis or other requirement; and
- (3) that upon such completion, the licensee will promptly submit the results of such analysis or inform the NRC of the completion of the other requirement and the actions thereafter proposed with respect to the requirement at issue, as well as the projected date of completion.

If the licensee wishes to preserve its right to request a hearing on any requirement contingent upon completion of an analysis or other requirement, a request for an extension of time to request a hearing must be filed within 20 days of the date of these Orders in accordance with Section IV of the Orders. Such a request may seek a reasonable period of time to request a hearing beyond the date that the staff informs the licensee whether the actions proposed and completion date for the requirement(s), contingent upon an analysis or other requirement, are satisfactory.

Please contact Paul J. Kelley, Jr. at 301-415-6101 for the ICM Order or Brad Baxter at 301-415-6742 for the ASM Order on Access Authorization in the Office of Nuclear Security and Incident Response; or Cynthia Barr at 301-415-4015, of my staff, to facilitate resolution of any issues related to compliance with the requirements in the enclosed Orders, or if you have any other questions. The enclosed Orders have been forwarded to the Office of the Federal Register for publication.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its Enclosures 1 and 3, and your response should be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), typically accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. As of October 25, 2004, the NRC initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's website. Interested members of the public should check the NRC's web pages for updates on the availability of documents through the ADAMS system. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your

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response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwanted invasion of your personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If SGI is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

The material in Enclosures 2, 4, and 5 contains SGI as defined by 10 CFR 73.21, and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Margaret V. Federline, Deputy Director  
Office of Nuclear Material Safety  
and Safeguards

Docket No: 72-54

Enclosures: 1. ICM Order  
2. Attachment 1 to Enclosure 1--ICMs for Dry ISFSI (**SGI**)  
3. ASM Order  
4. Attachment 1 to Enclosure 3--ASMs for Dry ISFSI (**SGI**)  
5. Regulatory Issue Summary 2002-12D (**SGI**)

cc: w/ Enclosures 1 and 3 only, see next page

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\*see previous concurrences

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