



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 3, 1988

Docket Nos. 50-334
50-412

Mr. J. D. Sieber, Vice President
Nuclear Group
Duquesne Light Company
Post Office Box 4
Shippingport, Pennsylvania 15077

Dear Mr. Sieber:

SUBJECT: BEAVER VALLEY POWER STATION, UNITS 1 AND 2 - TEMPORARY EXEMPTION FROM
THE SCHEDULAR REQUIREMENTS OF THE PROPERTY INSURANCE RULE EFFECTIVE
OCTOBER 4, 1988 (10 CFR 50.54(w)(5)(i))

The Commission has issued the enclosed temporary exemption from the schedular requirements of the property insurance rule effective October 4, 1988 (10 CFR 50.54(w)(5)(i)) for the Beaver Valley Power Station, Units 1 and 2. This part of the rule requires licensees to obtain insurance policies that prioritize insurance proceeds for stabilization and decontamination after an accident and provide for payment of proceeds to an independent trustee who would disburse funds for decontamination and cleanup before any other purpose.

The Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988). However, because it is unlikely that this rulemaking action will be completed by October 4, 1988 the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

The Commission, pursuant to 10 CFR 50.12(a), hereby grants a temporary exemption from the schedular requirements of 10 CFR 50.54(w)(5)(i). This temporary exemption is valid until April 1, 1989 or until such time as action on this rulemaking is completed.

In granting the exemption, the staff has determined that this action is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

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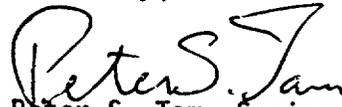
Mr. J. Sieber

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October 3, 1988

A copy of this exemption is being filed with the Office of the Federal Register for publication.

Sincerely,



Peter S. Tam, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects I/II

Enclosure: As stated

cc w/enclosure:
See next page

A copy of this exemption is being filed with the Office of the Federal Register for publication.

Sincerely,

original signed by/

Peter S. Tam, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects I/II

Enclosure: As stated

cc w/enclosure:
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Mr. J. Sieber
Duquesne Light Company

cc:

Jay E. Silberg, Esquire
Shaw, Pittman, Potts and Trowbridge
2300 N Street, N.W.
Washington, DC 20037

Kenny Grada, Manager
Nuclear Safety
Duquesne Light Company
P. O. Box 4
Shippingport, Pennsylvania 15077

William Lacey, Manager
Nuclear Operations Department
Post Office Box 4
Duquesne Light Company
Shippingport, Pennsylvania 15077

John A. Lee, Esquire
Duquesne Light Company
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15279

W.F. Carmichael, Commissioner
Department of Labor
1800 Washington Street East
Charleston, West Virginia 25305

John D. Borrows
Director, Utilities Department
Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43266-0573

Beaver Valley Power Station
Units 1 & 2

Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
ATTN: R. Janati
Post Office Box 2063
Harrisburg, Pennsylvania 17120

Mayor of the Borough of
Shippingport
Post Office Box 3
Shippingport, Pennsylvania 15077

Ashley C. Schannauer
Assistant City Solicitor
City of Pittsburgh
313 City-County Building
Pittsburgh, Pennsylvania 15219

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 181
Shippingport, Pennsylvania 15077

Director, Pennsylvania Emergency
Management Agency
Post Office Box 3321
Harrisburg, Pennsylvania 17105-3321

the Commission has proposed a revision of 10 CFR 50.54(w)(5)(i) extending the implementation schedule for 18 months (53 FR 36338, September 19, 1988).

However, because it is unlikely that this rulemaking action will be completed by October 4, 1988, the Commission is issuing a temporary exemption from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking, the licensee shall comply with the provisions of such rule.

III.

Pursuant to 10 CFR 50.12, "The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of [10 CFR Part 50], which are ... Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security." Further, Section 50.12(a)(2) provides inter alia, "The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever ... (v) The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation."

Despite a good faith effort to comply with the provisions of the rule, insurers providing property damage insurance for nuclear power facilities and licensees insured by such insurers have not been able to comply with the regulation and the exemption provides only temporary relief from the applicable regulation.

As noted by the Commission in the Supplementary Information accompanying the proposed rule, there are several reasons for concluding that delaying for a reasonable time the implementation of the stabilization and decontamination priority and trusteeship provisions of Section 50.54(w) will not adversely affect protection of public health and safety. First, during the period of delay, the licensee will still be required to carry \$1.06 billion insurance. This is a substantial amount of coverage that provides a significant financial cushion to licensees to decontaminate and clean up after an accident even without the prioritization and trusteeship provisions. Second, nearly 75% of the required coverage is already prioritized under the decontamination liability and excess property insurance language of the Nuclear Electric Insurance Limited-II policies. Finally, there is only an extremely small probability of a serious accident occurring during the exemption period. Even if a serious accident giving rise to substantial insurance claims were to occur, NRC would be able to take appropriate enforcement action to assure adequate cleanup to protect public health and safety and the environment.

IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that (1) a temporary exemption as described in Section III. 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 (2) in this case, special circumstances are present as described in Section III. Therefore, the Commission hereby grants the following exemption:

Duquesne Light Company is exempt from the requirements of 10 CFR 50.54(w)(5)(i) until the completion of the pending rulemaking extending the implementation date specified in 10 CFR 50.54(w)(5)(i), but not later than April 1, 1989. Upon completion of such rulemaking the licensee shall comply with the provisions of such rule.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant environmental impact (53 FR 38809).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 3rd day of October , 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



Steven A. Varga, Director
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation