

August 27, 1990

Docket Nos. 50-352
and 50-353

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Mr. George A. Hunger, Jr.
Director-Licensing, MC 5-2A-5
Philadelphia Electric Company
Nuclear Group Headquarters
Correspondence Control Desk
P.O. Box No. 195
Wayne, PA 19087-0195

Dear Mr. Hunger:

SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR PART 50, APPENDIX E, SECTION IV.F.3, FOR LIMERICK GENERATING STATION, UNITS 1 AND 2

The U.S. Nuclear Regulatory Commission has granted the enclosed Exemption regarding the conduct of a biennial offsite full participation emergency preparedness exercise for the Limerick Generating Station in 1990. The Exemption is granted in response to your letter of May 16, 1990, as supplemented July 24, 1990, provided such an exercise is conducted prior to July 1, 1991.

We find that granting the Exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2)(v).

The Exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by
Richard J. Clark

Richard J. Clark, Project Manager
Project Directorate I-2
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
See next page

DOCUMENT NAME: LIMERICK EXEMPTION I

*See previous concurrences

PDI-2/LA
MO'Brien
08/10/90

PDI-2/PM
DClark:ag
08/10/90

PDI-2/D
WButler
08/16/90

OGC
RMB subj
08/23/90
to incorp
comments

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RWessman
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SVarga
08/27/90

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Sincerely,

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

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Exemption

cc w/enclosure:
See next page

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PDI-2/10A
MO'Brien
8/10/90

PDI-2/PM
DCClark:ag
08/10/90

PDI-2/D
WButler
8/16/90

OGC
Pomb
8/23/90
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of 2
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ADRI
RWessman
8/27/90

DRP/D
SVarga
8/27/90



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

August 27, 1990

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and 50-353

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Director-Licensing, MC 5-2A-5
Philadelphia Electric Company
Nuclear Group Headquarters
Correspondence Control Desk
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Wayne, PA 19087-0195

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The Exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script that reads "Richard J. Clark".

Richard J. Clark, Project Manager
Project Directorate I-2
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
See next page

Mr. George A. Hunger, Jr.
Philadelphia Electric Company

Limerick Generating Station
Units 1 & 2

cc:

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Superintendent-Operations
Limerick Generating Station
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Sanatoga, Pennsylvania 19464

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PHILADELPHIA ELECTRIC COMPANY

(Limerick Generating Station,
Units 1 and 2)

)
)
)

Docket Nos. 50-352
50-353

EXEMPTION

I.

Philadelphia Electric Company (PECo, the licensee) is the holder of Facility Operating License Nos. NPF-39 and NPF-85 which authorize operation of the Limerick Generating Station, Units 1 and 2 at steady-state reactor power levels not in excess of 3293 megawatts thermal per unit. These licenses provide, among other things, that the licensee is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

The Limerick facility consists of two boiling water reactors located at the licensee's site in Montgomery and Chester Counties, Pennsylvania. The licensee is also the holder of Facility Operating License Nos. DPR-44 and DPR-56 which authorize operation of the Peach Bottom Atomic Power Station, Units 2 and 3, in Delta, Pennsylvania.

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 that meet the standards of 10 CFR 50.47(b) and the requirements of

Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with 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 Part 50 indicates that special circumstances exist when an exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

III.

By letter dated May 16, 1990, the licensee requested an exemption from the schedular requirements of Section IV.F.3 of Appendix E to perform a biennial full participation emergency preparedness exercise for the Limerick Generating Station during 1990. Additional information concerning the exemption request was provided by the licensee in a letter dated July 24, 1990. The last biennial emergency preparedness exercise at the Limerick Generating Station was a full participation exercise conducted on April 5, 1988. The next biennial exercise is currently scheduled for the week of September 17, 1990.

The required biennial full participation exercises are currently conducted for both the Limerick Generating Station and the Peach Bottom Atomic Power Station

on an even-year cycle. The licensee states that this practice of conducting both the Limerick and Peach Bottom full participation exercises during the same year has caused logistical and resource utilization difficulties for PECO. The licensee, therefore, has requested that the upcoming Limerick exercise be rescheduled to a time in early 1991 convenient to all affected parties. The licensee states that this change would alleviate the problems associated with conducting both the Limerick and Peach Bottom biennial full participation exercises during the same year, thereby enabling PECO to better allocate resources and address the various onsite and offsite non-exercise emergency preparedness issues that may arise for either facility.

The licensee states that the proposed schedule changes have been discussed with the Pennsylvania Emergency Management Agency (PEMA), the three EPZ counties (Berks, Chester and Montgomery), and the two support counties (Bucks and Lehigh). Based on these discussions, the licensee states that these government agencies have not objected to rescheduling the full participation emergency exercise to 1991. The licensee's submittal included letters from PEMA and Bucks, Montgomery, and Berks Counties documenting their concurrence. Concurrence letters have not been received from Chester or Lehigh counties, however, the licensee states that verbal concurrence to reschedule the emergency exercise has been received from those counties. In a letter to the licensee dated April 18, 1990, Joseph L. LaFleur, Director, PEMA, stated that "...I concur that the current...schedule whereby Philadelphia Electric Company must conduct the required biennial exercise for both Limerick and Peach Bottom in the same year is indeed neither desirable nor in the best interest of all concerned." The Federal Emergency Management Agency (FEMA) has also indicated its agreement with the proposed change in a letter to the Staff dated July 30, 1990.

The licensee informed the NRC staff in a letter dated July 24, 1990, that, if the exemption is approved, the Limerick full participation exercise will be conducted in February 1991, taking into consideration the scheduling commitments of FEMA, the State, and local agencies. The requested exemption would thus postpone the Limerick full participation exercise for a period of approximately five months from its currently scheduled date of the week of September 17, 1990. All future biennial exercises for Limerick would be conducted on a schedule based on the date the rescheduled exercise is performed. No other emergency preparedness activities would be affected by this change.

PECo has been conducting exercises at Limerick with full or partial offsite participation since 1984. The last full participation exercise for the Limerick facility was performed on April 5, 1988. In its exercise report dated May 19, 1988, FEMA identified one deficiency in the overall response capability of Lower Pottsgrove Township. A remedial exercise was conducted on June 14, 1989, which corrected the deficiency. FEMA concluded in a report issued July 31, 1989 that, "[b]ased on the results of the April 5, 1988, full participation exercise and the June 14, 1989, remedial exercise, the offsite radiological emergency preparedness for Limerick Generating Station is adequate to provide reasonable assurance that appropriate measures can be taken to protect the health and safety of the public in the event of an accident."

The Commonwealth of Pennsylvania is an active participant in emergency preparedness exercises with all of the nuclear power plants located within the State. In addition to Limerick, Pennsylvania has participated in full and partial participation exercises with Peach Bottom, Three Mile Island, Beaver Valley,

and Susquehanna. In 1990, Pennsylvania has fully participated in exercises at Peach Bottom (on February 7, 1990) and Beaver Valley (on May 1, 1990). In addition, one of the Limerick EPZ counties (Chester) participated in the 1990 Peach Bottom exercise.

The last annual onsite emergency preparedness exercise at Limerick was conducted on November 21, 1989. In Inspection Report Nos. 50-352/89-20 and 89-29, the NRC concluded that the licensee's response actions for the exercise were adequate to provide protective measures for the health and safety of the public. The Commonwealth of Pennsylvania participated on a limited basis in the exercise.

The licensee states that if the exemption is approved, the licensee plans to conduct a limited partial participation exercise in conjunction with its scheduled annual onsite exercise during September or November 1990. The State and local governments will be able to participate in the exercise if they so desire for training purposes. Further, PECO states that they intend to continue to provide training to the appropriate State and local government agencies to ensure that the current high level of preparedness is maintained.

IV.

Based on a consideration of the facts presented in Section III above, the NRC staff finds that the following factors support the granting of the requested exemption:

- a. The capability of the Commonwealth of Pennsylvania and local government agencies to respond to an emergency at Limerick has been adequately demonstrated in previous exercises at Limerick. FEMA has found that

there is reasonable assurance that appropriate measures can be taken to protect the health and safety of the public in the event of a radiological accident at Limerick.

- b. The Commonwealth of Pennsylvania maintains a high level of preparedness through its participation in exercises with each of the nuclear power plants located in the State which, for 1990, will include two full participation exercises.
- c. The licensee has maintained an acceptable level of onsite emergency preparedness and will conduct an onsite exercise in September 1990. The State and local governments will have the opportunity to participate in this exercise at their option.
- d. The requested change will allow the licensee to better allocate its resources between the Limerick and Peach Bottom facilities, thereby improving its overall emergency preparedness capability.
- e. FEMA, State and local agencies have indicated their agreement with the proposed exercise schedule change.

The requested exemption is a temporary one which will result in postponing the biennial full participation exercise for approximately five months. The exemption will relieve the licensee, and the Commonwealth of Pennsylvania, of the burden of conducting both the Limerick and Peach Bottom biennial full participation exercises during the same calendar year, thereby resulting in a more efficient allocation of resources. The licensee has made a good faith effort to comply with the regulations by conducting the required full participation exercises at Limerick with State and local government

agencies since 1984. The licensee has taken into consideration the various concerns of FEMA, PEMA, and the local governments in rescheduling the Limerick exercise. All affected parties support the proposed exercise schedule change.

V.

For these reasons the Commission has determined that, pursuant to 10 CFR 50.12(a)(2), the Exemption requested by the licensee's letter of May 16, 1990, as supplemented July 24, 1990, 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.

Accordingly, the Commission hereby approves the following Exemption:

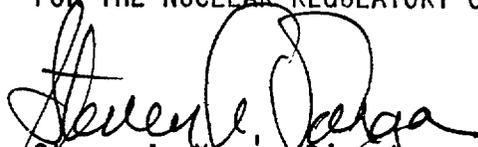
The Limerick Generating Station is exempt from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.3, for the conduct of a biennial offsite full participation emergency preparedness exercise in 1990, provided that such an exercise be conducted prior to July 1, 1991.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant effect on the quality of the human environment (55 FR 34633). A copy of the licensee's request for Exemption dated May 16, 1990, as supplemented July 24, 1990, is available for public inspection at the Commission's Public Document Room, in the Gelman Building, Lower Level, 2120 L Street N.W., Washington, D.C., and at the Limerick Local Public Document Room located at Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Copies may be obtained upon written request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects-I/II.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Steven A. Varga". The signature is written in a cursive style with a large, prominent initial "S".

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

Dated at Rockville, Maryland
this 27th day of August 1990.