

Exelon Nuclear  
200 Exelon Way  
Kennett Square, PA 19348

www.exeloncorp.com

10 CFR 50.12

May 30, 2001

Docket Nos. 50-352  
50-353

License Nos. NPF-39  
NPF-85

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

Subject: Limerick Generating Station, Units 1 and 2  
Request for Exemption to 10 CFR 50.71(e)(4)  
Final Safety Analysis Report Update Schedule

Dear Sir/Madam:

Pursuant to 10 CFR 50.12(a), Exelon Nuclear hereby requests an exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for the Limerick Generating Station (LGS), Units 1 and 2. Specifically, this exemption request is associated with the schedule requirements contained in 10 CFR 50.71(e)(4) which stipulates that revisions to the UFSAR must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. LGS is a two-unit plant sharing a common UFSAR. Therefore, given a literal interpretation of the language contained in 10 CFR 50.71(e)(4), Exelon would be required to update the LGS UFSAR within 6 months after each respective unit's refueling outage.

When a two-unit plant site such as LGS shares a common UFSAR and has staggered refueling outages (one unit a year/alternating years), 10 CFR 50.71(e)(4) has the net effect of requiring the UFSAR to be updated every 12 months. The rule change that was published in the Federal Register on August 31, 1992 (57 FR 39358) and became effective on October 1, 1992, and remains effective today, was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. However, as written, the burden reduction can only be realized by single-unit facilities, or multiple-unit facilities that maintain separate UFSARs for each unit, neither of which is the case for LGS. Consequently, since LGS is a multi-unit facility with a common UFSAR, the phrase "each refueling outage" in 10 CFR 50.71(e)(4) increases the regulatory burden rather than providing a decrease, which is contrary to the intent of the rule.

In the Summary and Analysis of Public Comments accompanying the 10 CFR 50.71(e)(4) rule change (57 FR 39355), the Nuclear Regulatory Commission (NRC) indicated that the final rule did not address multi-unit facilities sharing a common UFSAR. However, one comment suggested that a licensee of a multiple-unit facility should designate the refueling schedule of one of the units to establish the schedule for revision of the common UFSAR. In response to that comment, the NRC stated that for "multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." Exelon understands that a literal interpretation of 10 CFR 50.71(e)(4) requires a specific NRC exemption to realize the intended burden reduction premise of the rule.

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The requested exemption will allow periodic updates of the LGS UFSAR once per fuel cycle, within 6 months following completion of each LGS Unit 1 refueling outage, not to exceed 24 months from the last submittal. Therefore, the regulatory requirement that an update be submitted within 6 months following each unit's refueling outage would not be retained. Allowing the exemption would maintain the LGS UFSAR within 24 months of the last revision and would not exceed a 24 month interval for the submission of the 10 CFR 50.59 summary report. The proposed exemption provides an equivalent level of protection to the existing regulation and should be found acceptable. Because the primary intent of the rule as stated by the NRC was burden reduction and the current NRC staff interpretation of the rule would increase the regulatory burden of the LGS staff by requiring updates to the common LGS UFSAR within 6 months after each respective unit's refueling outage, this exemption request qualifies under 10 CFR 50.12(a)(2)(ii).

This exemption is allowed by law, will not present an undue risk to the public health and safety, and is consistent with common defense and security and is otherwise in the public interest.

In order to support implementation of the revised update schedule for the LGS UFSAR, we request approval of this exemption by September 28, 2001.

If you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

Handwritten signature of James A. Hutton, Jr. in cursive, followed by the word "FOR" in capital letters.

James A. Hutton, Jr.  
Director – Licensing  
Mid-Atlantic Regional Operating Group

cc: H. J. Miller, Administrator, Region I, USNRC  
A. L. Burritt, USNRC Senior Resident Inspector, LGS