Exelon Nuclear
200 Exelon Way
Kennett Square, PA 19348

www.exeloncorp.com

Exelon Nuclear

10 CFR 50.12

October 16, 2001

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

Limerick Generating Station, Units 1 and 2
Facility Operating License Nos. NPF-39 and NPF-85
NRC Docket Nos. 50-352 and 50-353

Subject: Scheduler Exemption from 10 CFR 50, Appendix E, Section IV.F.2.c - Biennial Exercise

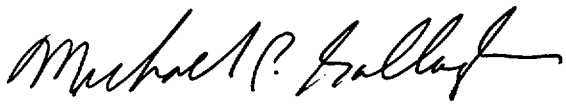
Pursuant to the requirements of 10 CFR 50.12(a), Limerick Generating Station requests a temporary one-time exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c regarding the conduct of a full participation emergency preparedness exercise in 2001. These regulatory requirements direct the performance of a biennial exercise of the Limerick Generating Station Emergency Plan including full participation by offsite authorities. This scheduler exemption is being requested as a result of the ongoing national security threat in the United States, and the response, recovery, and other continuing offsite agency activities associated with the September 11, 2001 attacks on the World Trade Center.

Limerick Generating Station had scheduled a full participation biennial exercise for November 1, 2001. This scheduled exercise has been postponed based on discussions with the Federal Emergency Management Agency (FEMA), the Pennsylvania Emergency Management Agency (PEMA), and other local government agencies. These offsite agencies have agreed to defer the full participation exercise of the Limerick Generating Station Emergency Plan to calendar year 2002 in light of present circumstances that are beyond our control. This exemption would allow Limerick Generating Station to conduct a biennial exercise of the Emergency Plan in calendar year 2002 on a date that is agreeable between Limerick Generating Station, the NRC, FEMA, PEMA, and other affected offsite agencies. The rescheduled date is expected to be during the second quarter of 2002. It is requested that NRC grant this exemption on an expedited basis but no later than December 31, 2001.

A001

Information supporting this Exemption Request is contained in the Attachment to this letter. If you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,



Michael P. Gallagher
Director, Licensing & Regulatory Affairs
Mid-Atlantic Regional Operating Group

Attachment

cc: H. J. Miller, USNRC Regional Administrator, Region I
C. Gratton, USNRC Senior Project Manager, Limerick
A. L. Burritt, USNRC Senior Resident Inspector, Limerick
J. Picciano, FEMA Region II, Acting Regional Director
E. Beachley, PEMA

ATTACHMENT

LIMERICK GENERATING STATION

Units 1 and 2

Docket Nos. 50-352
50-353

License Nos. NPF-39
NPF-85

Exemption Request From Requirements of

10 CFR Part 50, Appendix E, Section IV.F.2.c

Supporting Information for Change – 5 Pages

I. Justification for 10 CFR 50, Appendix E, Section IV.F.2.c Scheduler Exemption Request

The following information provides the basis for the exemption request from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c to defer the full participation biennial exercise of the Limerick Generating Station Emergency Plan from November 1, 2001 to calendar year 2002 on a date mutually agreeable to Limerick Generating Station, the NRC, and other affected offsite agencies.

II. 10 CFR 50.12 Requirements

The requested exemption to allow deferral of the full participation biennial exercise of the Limerick Generating Station Emergency Plan from November 1, 2001 to calendar year 2002 meets the criteria of 10 CFR 50.12 as addressed below. 10 CFR 50.12 states that the Commission may grant an exemption from requirements contained in 10 CFR 50 provided that:

1. The requested exemption is authorized by law:

   No law exists which precludes the activities covered by this exemption request.

2. The requested exemption does not present an undue risk to the public health and safety:

   The requested exemption is a one-time schedule exemption to allow deferral of the full participation biennial exercise of the Limerick Generating Station Emergency Plan from November 1, 2001 to calendar year 2002. The previous full participation biennial exercise of the Limerick Generating Station Emergency Plan was performed on September 14, 1999. The rescheduled exercise will be conducted such that the interval between biennial exercises would, at the most, be 6 months past the two-year existing general policy and practice.

   As referenced above, the previous Limerick Generating Station full participation exercise was conducted on September 14, 1999. The results of this exercise determined that the overall performance of the emergency response organization demonstrated that onsite emergency plans are adequate and that the organization is capable of implementing these plans (reference NRC Inspection Report No. 50-352; 353/99-06, dated November 3, 1999).

   No violations of NRC requirements or exercise weaknesses were identified by the NRC during the September 14, 1999 exercise. Drill performance issues identified in the drill critique were entered into the plant's corrective action process and addressed.

   Subsequent to the September 14, 1999 full participation exercise, Limerick Generating Station conducted emergency response training drills on June 14, 2000, June 21, 2000, October 18, 2000, November 15, 2000, December 12, 2000, February 15, 2001, May 12, 2001, and June 20, 2001. A pre-exercise drill was also conducted on September 27, 2001. In addition, emergency response training drills involving control room staff were

conducted on January 20, 2000, January 27, 2000, February 3, 2000, February 10, 2000, February 17, 2000, January 12, 2001, January 19, 2001, January 26, 2001, February 2, 2001, and February 9, 2001. These drills satisfy the drill requirements of 10 CFR 50, Appendix E, Section IV.F.2.b. Overall performance throughout these drills and exercises demonstrated successful implementation of the Emergency Plan and its Implementing Procedures. Issues identified during these drills, exercises, and associated critiques are being resolved under the station's corrective action program. Based on our assessment of drill and exercise performance, there will be no decrease in safety as a result of this exemption.

Between now and the next biennial exercise, measures will be taken to maintain emergency preparedness at Limerick Generating Station. The existing training and drill schedule currently in place for emergency response activities will remain in place and adjusted as necessary to ensure the readiness of both onsite and offsite emergency response personnel. This includes annual training, requalification, and participation drills for onsite emergency responders. These measures will maintain an acceptable level of emergency preparedness during this period.

Based on the present national security threat, there is an elevated level of plant security in place as well as public and plant personnel sensitivity to any unusual activities. Therefore, the performance of an Emergency Plan Exercise may result in undue stress and risk to the general public and plant personnel. The removal of this risk is a benefit to the public health and safety. Additionally, the offsite local, state, and federal government agencies that are required to participate in the Limerick Generating Station biennial exercise are directly participating in the response, recovery, and other continuing activities associated with the September 11, 2001, attacks on the World Trade Center. Continued support of these ongoing efforts by the affected offsite local, state, and federal government agencies provides a benefit to the public health and safety. It is also in the best interest of the public to allow these government agencies to fully focus on the current national security threat without any unnecessary distractions. Therefore, this exemption does not present an undue risk to the public health and safety.

3. The requested exemption will not endanger the common defense and security:

   The common defense and security are not endangered by this exemption request.

4. Special circumstances are present which necessitate the request for an exemption to the regulations of 10 CFR 50, Appendix E, Section IV.F.2.c:

   Pursuant to 10 CFR 50.12(a)(2), the NRC will consider granting an exemption to the regulation if special circumstances are present. This exemption request meets the special circumstances detailed in the following applicable paragraphs:

(a)(2)(ii) – demonstrates that the underlying purpose of the regulation will continue to be achieved;

(a)(2)(iv) – would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the granting of the exemption;

(a)(2)(v) – would provide only temporary relief from the applicable regulation and licensee has made good faith efforts to comply with the regulation and;

(a)(2)(vi) – there is present any other material circumstances not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

10 CFR 50.12(a)(2)(ii): The underlying purpose of 10 CFR 50, Appendix E, Section IV.F.2.c is to ensure that emergency response organization personnel are familiar with their duties and to test the adequacy of emergency plans. The intent of this requirement is also met by the scheduled Emergency Plan participation drills and exercises, which are performed in excess of the regulatory requirement and provide a benefit by allowing for more opportunities for training of response personnel. The drills and exercises conducted since the last graded exercise have adequately demonstrated the capability of onsite and offsite personnel. Therefore, application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

10 CFR 50.12 (a)(2)(iv): The requested exemption will result in benefit to the public health and safety that compensates for any decrease in safety that may result from the granting of the exemption. Based on the present national security threat, there is an elevated level of plant security in place as well as public and plant personnel sensitivity to any unusual activities. Therefore, the performance of an Emergency Plan Exercise may result in undue stress and risk to the general public and plant personnel. The removal of this risk is a benefit to the public health and safety. Additionally, the offsite local, state, and federal government agencies that are required to participate in the Limerick Generating Station biennial exercise are directly participating in the response, recovery, and other continuing activities associated with the September 11, 2001, attacks on the World Trade Center. Continued support of these ongoing efforts by the affected offsite local, state, and federal government agencies provides a benefit to the public health and safety. It is also in the best interest of the public to allow these government agencies to fully focus on the current national security threat without any unnecessary distractions.

Therefore, the requested exemption will result in benefit to the public health and safety that compensates for any decrease in safety that may result from the granting of the exemption.

10 CFR 50.12(a)(2)(v): The requested exemption would provide only temporary relief from the applicable regulation and the licensee has made a good faith effort to comply with the regulation. The requested exemption is a one-time schedule exemption to allow deferral of the full participation biennial exercise of the Limerick Generating Station Emergency Plan from November 1, 2001 to calendar year 2002. The rescheduled exercise will be conducted in a time frame that is only slightly outside the parameters of the existing general policy and

practice. Future full participation exercises for Limerick Generating Station will be performed on the existing biennial schedule and are not affected by the requested exemption. Limerick Generating Station has diligently worked to plan, coordinate, and conduct the scheduled November 1, 2001 full participation exercise to satisfy the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c. The full participation of affected offsite organizations had been established and coordinated and continued until the ongoing involvement of offsite agencies in the response, recovery, and other activities associated with the September 11, 2001 attacks on the World Trade Center was identified. The conditions necessitating the requested exemption could not have been foreseen and are beyond the control of Limerick Generating Station.

Therefore, the requested exemption would provide only temporary relief from the applicable regulation and the licensee has made a good faith effort to comply with the regulation.

10 CFR 50.12(a)(2)(vi): There is present any other material circumstances not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. The offsite local, state, and federal government agencies that are required to participate in the Limerick Generating Station biennial exercise are directly participating in the response, recovery, and other continuing activities associated with the September 11, 2001, attacks on the World Trade Center. Continued support of these ongoing efforts by the affected offsite local, state, and federal government agencies is in the best interest of the public to allow these government agencies to fully focus on the current national security threat without any unnecessary distractions.

Therefore, there is present other material circumstances not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

III. Environmental Assessment

1. Environmental Impact of the Proposed Action:

   The biennial full-participation emergency exercise would not be conducted for Limerick Generating Station, during 2001, if the requested exemption is approved by the NRC. Whether or not the exercise is conducted, the environment is not impacted since neither case involves the release of radioactive or non-radioactive effluents. In addition, the NRC has determined that an environmental impact statement for 10 CFR 50, Appendix E, in which the requirement for conducting the biennial full-participation emergency exercise is contained, is not required (45 FR 55413, August 19, 1980). Therefore, not conducting the biennial full-participation emergency exercise as required by the regulation will not have an impact on the environment.

2. Alternatives to the Proposed Action

   The previous section provides the basis for concluding that there are no environmental effects that would result from the approval of the requested exemption. Accordingly, any alternatives with any environmental impact need not be evaluated.

3. Alternative Use of Resources

   This exemption request, if granted, does not involve the use of any resources not previously considered in the Final Environmental Impact Statement for Limerick Generating Station.

4. Proposed Finding of No Significant Impact

   Based upon the foregoing environmental assessment, it is concluded that the approval of this exemption request will not have an affect on the quality of the environment.

IV. Conclusion

As demonstrated above pursuant to 10 CFR 50.12(a), the requested exemption 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 is, otherwise, in the public interest. Also, special circumstances are present as demonstrated above.