

3-289



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 21, 1999

Pennsylvania Power and Light Company
ATTN: Mr. Robert G. Byram
Senior Vice President, Generation
Two North Ninth Street
Allentown, PA 18101-1179

Dear Mr. Byram,

Your January 29, 1999, letter to the U.S. Nuclear Regulatory Commission (NRC) requested an exemption from the requirements of 10 CFR 50, Appendix E, Items IV.F.2.b. and c., regarding the conduct of a full participation exercise of the onsite and offsite emergency plans at the Susquehanna Steam Electric Station (SSES). Due to the circumstances under which the Part 50 exemption request was required, an exemption from 10 CFR 170 fees for the review and approval of the Part 50 exemption request was pursued by the Office of Nuclear Reactor Regulation (NRR). As explained below, an exemption from 10 CFR 170 fees for the Part 50 exemption approval is granted in accordance 10 CFR 170.11(b)(1).

The basis for the exemption request from 10 CFR 50, Appendix E, Items IV.F.2.b. and c., is that Federal Emergency Management Agency (FEMA), Region III, asked that the full participation exercise be rescheduled because they had a scheduling conflict which precluded them from participating in the exercise scheduled for the week of November 15, 1999. The NRC staff (NRR headquarters and Region I), indicated concurrence with the rescheduling and asked that the rescheduled date be in the year 2000 to relieve resource demands on the NRC staffs. Since the rescheduling would result in SSES exceeding the requirements of 10 CFR 50, Appendix E, Items IV.F.2.b. and c., it was necessary for you to request an exemption from those Part 50 requirements. Based on the fact that FEMA scheduling and NRC resource limitations caused the need to delay the conduct of a full participation exercise at your site, it would be inappropriate to assess fees under 10 CFR 170 for the review and approval of your Part 50 exemption request. Therefore, I have determined that an exemption from the 10 CFR 170 fee requirements for the Part 50 approval is appropriate. This exemption is authorized by law and is granted in accordance with 10 CFR 170.11(b)(1).

The staff approved your request for an exemption from Part 50 and tracked the NRC's review efforts under TAC number MA4762 for SSES, Unit 1, 50-387, and TAC number MA4728 for SSES, Unit 2, 50-388.

NRC FILE CENTER COPY

NRC has issued two invoices with charges associated to those TAC numbers as follows:

INVOICE	DATE	TAC	HOURS	RATE	TOTAL
RL0495-99	04/26/99	MA4726	4.5	\$124.00	\$558.00
RL0495-99	04/26/99	MA4728	21.5	\$124.00	\$2,666.00
RL0657-99	08/02/99	MA4726	50.0	\$124.00	\$6,200.00
RL0657-99	08/02/99	MA4728	47.0	\$124.00	\$5,828.00
TOTAL					\$15,252.00

1/1
ML601

280005

-9-9-10270009

AA3



DAF ACTION ITEM TRACKING

Date Rec'd:

DAF Action:

OC Action :

DAF Due Date:

Branch:

Action Item:

Description:

Date to DIR:

Ext. Date:

Date Closed:

Signature:

Subject File:



NOTE TO: DIANA B. DANDOIS
CHIEF OF LICENSEE AND ACCOUNTS RECEIVABLE BRANCH

FROM: *N. Verses*
V. NERSES, SR. PROJECT MANAGER, SECTION 1
PROJECT DIRECTORATE 1
DIVISION OF LICENSING PROJECT MANAGEMENT
OFFICE OF NUCLEAR REACTOR REGULATION

SUBJECT: SUSQUEHANNA (SSES) FULL PARTICIPATION EMERGENCY EXERCISE
EXEMPTION REQUEST (TAC NOS MA4726 AND MA 4728)

BY LETTER DATED JANUARY 29, 1999, PP&L, INC., (PPL) REQUESTED AN EXEMPTION TO ALLOW RESCHEDULING OF ITS REQUIRED 2 YEAR FEDERALLY OBSERVED FULL PARTICIPATION EXERCISE FOR SSES, UNITS 1 & 2. THE PPL LETTER NOTES THAT THEIR REQUEST FOR AN EXEMPTION WAS AS A RESULT OF INFORMATION THEY RECEIVED FROM FEMA AND REGION I (FEDERAL GOVERNMENT = FG). IT TURNED OUT THAT THE FG HAD A SCHEDULING AND RESOURCE PROBLEM IN MEETING THE PREVIOUSLY ESTABLISHED AND AGREED TO EXERCISE SCHEDULE. THE SCHEDULE AND RESOURCE PROBLEM PRECLUDED THE FG FROM PARTICIPATING IN THE SSES EXERCISE AND BASED UPON THIS PROBLEM, THE FG ASKED THAT THE EXERCISE BE RESCHEDULED.

THE SSES PROJECT MANAGER (PM) CONSIDERED THIS SITUATION UNUSUAL (UNUSUAL BECAUSE THE FG ASKED PPL TO RESCHEDULE KNOWING THAT TO DO SO PPL WOULD NEED TO REQUEST AN EXEMPTION--IN ESSENCE THE FG ASKING PPL TO REQUEST AN EXEMPTION) AND DECIDED TO CONSULT WITH OGC.

ON APRIL 15, 1999, PROJECTS AND TECHNICAL STAFF MET WITH OGC TO DISCUSS HOW NRC SHOULD HANDLE PPL'S REQUEST. OGC STATED THAT SINCE THE FG WANTED THE RESCHEDULING, THE NRC SHOULD HAVE ISSUED A LETTER UNILATERALLY GRANTING PPL AN EXEMPTION (10 CFR 50.12 STATES THAT "THE COMMISSION MAY.....UPON ITS OWN INITIATIVE, GRANT EXEMPTIONS FROM THE REGULATIONS..."). HOWEVER, THIS DID NOT HAPPEN AND SINCE THE LICENSEE HAD ALREADY SUBMITTED THEIR REQUEST FOR AN EXEMPTION, IT WAS DECIDED TO PROCESS IT LIKE ANY OTHER EXEMPTION REQUEST.

WHEN PPL RECEIVED THE BILL FOR THE CHARGES TO PROCESS THE EXEMPTION REQUEST, PPL CALLED THE PM AND STATED THAT PPL SHOULD NOT BE CHARGED FOR THIS EXEMPTION REQUEST SINCE THE FG CAUSED PPL TO ASK FOR IT. THE SSES PM AND THE DLPM MANAGEMENT AGREE WITH PPL AND THAT THE REQUEST IS REASONABLE AND CONSIDERS THE FEE SHOULD BE WAIVED FOR THIS CASE.

CC: M. KALTMAN
B. DAVIS
S. BAJWA