

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

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In the Matter of :
:
Philadelphia Electric Company : Docket No. 50-352-OL
: 50-353-OL
(Limerick Generating Station, :
Units I and II) :

MOTION FOR LEAVE TO FILE REPLY

Appellant, by its counsel, move that the Appeal Board permit it to file a reply to the staff brief in opposition to its request for stay, and aver as the basis thereof the following:

1. In its brief opposing the stay, the staff unjustifiably and inexplicably completely failed to address the applicant's reliance on the supplemental cooling water system for safety related purposes.

2. In fact, not only did the staff have the September 4 letter referred to in the Motion, but also had before it a letter dated October 19, 1984, addressed by Vincent Boyer to Harold Denton, requesting an exemption under the provisions of 10 CFR Section 50.12, based, in part, on an undisclosed "number of other sources". This letter Exemption Request is attached to the Reply.

3. It is necessary to permit reply in order to bring these matters to the attention of the Appeal Board.

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WHEREFOR the intervenor-appellant requests that the Board permit it to file a reply brief as attached hereto.

Respectfully submitted,



ROBERT J. SUGARMAN
Counsel for Intervenor

Of Counsel

Sugarman, Denworth & Hellegers
16th Floor, Center Plaza
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Philadelphia, PA 19107
215-751-9733

Dated November 9, 1984

RECEIVED

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OCT 25 1984

S. D. & II.

Logies

V. S. BOYER
SR. VICE PRESIDENT
NUCLEAR POWER

Dockets: 50-352
50-353

October 19, 1984

Mr. Harold Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Limerick Generating Station Units 1 & 2
Request for Exemption from 10 CFR 50 Appendix A,
GDC 2 & 4

Dear Mr. Denton:

Pursuant to 10 CFR 50.12, Philadelphia Electric Company hereby requests an exemption from the requirement of 10 CFR 50, Appendix A, General Design Criteria (GDC) 2 and 4 as they relate to the protection of the ultimate heat sink (UHS) from the effects of tornado missiles. This exemption is requested for power levels not exceeding 5 percent of full power.

Loss of the UHS (spray pond) due to tornado missiles for power levels not exceeding 5% power will not endanger life or property for the following reasons:

1. Even if the heat removal capability of the cooling towers and spray networks were compromised by tornado missile effects, use of the cooling tower basins and/ or UHS in a "cooling pond type" mode would allow substantial time for spray network repair. Under design meteorology, it would take approximately 5 days for the pond to reach its 95°F limit.

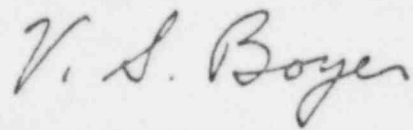
2. In the remote possibility that the heat removal capability of the spray pond networks and the cooling towers is compromised, and that repairs cannot be completed before the design temperature of the spray pond is reached, a once-through mode of cooling can be implemented. In this mode of operation, cool water from the cooling tower basins is supplied to the spray pond pumphouse wet pits, ESW and RHRSW will pump this water through the plant, the water is returned to the spray pond and is allowed to discharge over the blowdown weir and storm spillway. Sufficient makeup water can be supplied to the cooling tower basins to sustain continuous operation in this mode from the Schuylkill River or a number of other sources.
3. During the period of operation before exceeding 5% power, it is extremely unlikely that tornado missile damage to the networks would occur. But in the event that this should occur, there is sufficient time to effect the repairs on any one of the four networks such that sufficient heat removal capability can be restored without the existence of specific procedures. Specific procedures for such repairs will be completed prior to exceeding 5% power.
4. As indicated in the above discussions, substantial time is available for corrective operator actions. If UHS capability should be lost for such a long period of time that conditions degraded considerably, the existing plant emergency procedures would direct the use of equipment which would achieve a safe stable state regardless of UHS capability.

The requested exemption does not impact the common defense and security. Only the potential impact on public health and safety is at issue.

The requested exemption is in the public interest in that any delay in commencement of low power testing and power ascension would cause a delay in the attainment of commercial operation (and subsequent increase in ratepayers' cost) and since, as shown above, the health and safety of the public will be adequately protected.

Based upon the foregoing, we have concluded that granting the requested exemption will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, Philadelphia Electric Company requests that the Commission issue an exemption to GDC 2 and 4 for power levels not exceeding 5 percent of full power. An affidavit in support of this request is attached hereto.

Sincerely,

A handwritten signature in cursive script that reads "V. S. Boyer". The signature is written in dark ink and is positioned above the printed name.

V. S. Boyer

See attached Service List

cc: Judge Helen F. Hoyt
Judge Jerry Harbour
Judge Richard F. Cole
Judge Christine N. Kohl
Judge Gary J. Edles
Judge Reginald L. Gotchy
Troy B. Conner, Jr., Esq.
Ann P. Hodgdon, Esq.
Mr. Frank R. Romano
Mr. Robert L. Anthony
Ms. Phyllis Zitzer
Charles W. Elliot, Esq.
Zori G. Ferkin, Esq.
Mr. Thomas Gerusky
Director, Penna. Emergency Management Agency
Angus R. Love, Esq.
David Wersan, Esq.
Robert J. Sugarman, Esq.
Martha W. Bush, Esq.
Spence W. Perry, Esq.
Jay M. Gutierrez, Esq.
Atomic Safety & Licensing Appeal Board
Atomic Safety & Licensing Board Panel
Docket & Service Section
Mr. James Wiggins
Mr. Timothy R. S. Campbell

STATE OF MARYLAND)
MONTGOMERY COUNTY)

V. S. Boyer, being first duly sworn, deposes and says:
That he is Senior Vice President of Philadelphia Electric
Company, the applicant herein; that he has reviewed the
foregoing request pursuant to 10 CFR 50.12 for certain
specific exemptions to the requirements of Appendix A and
knows the contents thereof; and that the matters and
statements set forth therein are true and correct to the
best of his knowledge, information and belief.

V. S. Boyer
Senior Vice President

Subscribed and sworn to before me on the 10th
day of October 1984.

D. Lynn Neal
Notary Public

D. LYNN NEAL -
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986