



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

AUG 27 1985

Docket Nos.: STN 50-454, STN 50-455,
and STN 50-456

Mr. Dennis L. Farrar
Director of Nuclear Licensing
Commonwealth Edison Company
Post Office Box 767
Chicago, Illinois 60690

Dear Mr. Farrar:

Subject: Exemption from Submittal Date for Updated Final Safety Analysis
Report (FSAR) for Byron/Braidwood

The Commission has issued the enclosed Exemption from certain requirements of Section 50.71(e) of 10 CFR Part 50 in response to your letter of April 16, 1985. This Exemption is from Section 50.71(e)(3)(i) which states "A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later, . . ." This Exemption permits an extension in the deadline for this filing for Byron Station, Units 1 and 2, and Braidwood Station, Unit 1. The intent of Section 50.71(e)(3)(i) will be met because the present FSAR will be updated by providing periodic amendments throughout the licensing of the remaining units.

This exemption also establishes as a requirement the commitment set forth in your April 16, 1985 letter requesting an exemption that the common updated FSAR for Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2, shall be submitted within 12 months of the date of issuance of the operating license for Braidwood Station, Unit 2, rather than the 24 month period specified in Section 50.71(e)(3)(i).

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Mr. Dennis L. Farrar

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An Environmental Assessment and Finding of No Significant Impact for this action was published in the Federal Register on June 14, 1985 (50FR24968).

This Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

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B. J. Youngblood, Chief
Licensing Branch No. 1
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Enclosure:
Exemption

cc: See next page

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BYRON/BRAIDWOOD

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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of

COMMONWEALTH EDISON COMPANY

(Byron Station, Units 1 and 2,
Braidwood Station, Unit 1)

}
} Docket Nos.: STN 50-454, STN 50-455
} and STN 50-456
}

EXEMPTION

I.

Commonwealth Edison Company (the licensee) was issued Facility Operating License No. NPF-37 on February 14, 1985, which authorizes operation of Byron Station, Unit 1 (the facility) at the steady-state power levels not in excess of 3411 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. Commonwealth Edison Company also owns Byron Station, Unit 2 and Braidwood Station, Units 1 and 2, which were issued Construction Permit Nos. CPPR-131, CPPR-132 and CPPR-133, respectively, on December 31, 1975. Byron Station, Units 1 and 2, and the Braidwood Station, Unit 1 and 2, are pressurized water reactors located in Ogle and Will Counties, Illinois, respectively and each unit is designed for a core power level of 3411 megawatts thermal.

Section 50.71(e)(3)(i) of 10 CFR Part 50 requires that a revision of the original Final Safety Analysis Report (FSAR) be filed within 24 months of either July 22, 1980 or the date of issuance of the operating license, whichever is later. Thus, an updated FSAR for Byron Station, Unit 1, would have to be filed by February 14, 1987. By letter dated April 16, 1985, the licensee requested an exemption to defer submittal of the updated FSAR for Byron Station, Unit 1, and two facilities that have not received their operating licenses,

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Byron Station, Unit 2, and Braidwood Station, Unit 1. The licensee proposed to delay submittal of the updated FSAR until approximately 12 months after Braidwood Station, Unit 2, receives its operating license on the basis that it is not practical to maintain an FSAR throughout the licensing of Byron Station, Unit 2, and Braidwood Station, Units 1 and 2, and also maintain an updated FSAR in accordance with 50.71(e)(3)(i) after each unit is licensed.

II.

The staff has reviewed the licensee's request for the exemption. The licensee is maintaining a common FSAR for all four units - Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2. As stated in Section 50.71(e), the FSAR is to be updated to assure that the information included in the FSAR contains the latest material developed. This intent will be met because the licensee will continue to update the present FSAR by providing periodic amendments throughout the licensing of the remaining units. Thus, the staff concludes that the requested exemption for Byron Station, Units 1 and 2, and Braidwood Station, Unit 1, is acceptable, and that the updated FSAR should be submitted within 12 months after Braidwood Station, Unit 2, receives its operating license.

The NRC staff considered safety aspects of the requested exemption from the updated FSAR submittal date. The proposed exemption affects only the required date for updating the FSAR and does not affect the risk of facility accidents. Thus, the granting of the requested exemption will have no significant impact on plant safety.

The public interest will be served by granting the exemption since the purpose of maintaining a current FSAR will be met by compliance with 10 CFR Section 50.34 during the period of licensing review of Byron Unit 2 and Braidwood Units 1 and 2. In addition, the NRC review is simplified by granting the exemption.

Based on its review, the staff concludes that issuance of this exemption will have no significant effect on plant safety. Further, this action is in the public interest and good cause has been shown to support the exemption. Therefore, an exemption is being granted by the staff for the submittal of the updated FSAR for Byron Station, Units 1 and 2, and Braidwood Station, Unit 2, until 12 months after issuance of the operating license for Braidwood Station, Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (See 50FR 24968, dated June 14, 1985).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following temporary exemption from compliance with 50.71(e).

An updated FSAR for Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2, shall be filed within 12 months after issuance of the operating license for Braidwood Station, Unit 2. This updated FSAR, containing those original pages that are still applicable plus new replacement pages, shall bring the FSAR up to date as of a maximum of 6 months prior to the date of

filing the updated FSAR, with subsequent revisions no less frequently than annually thereafter. Any additional exemptions from compliance with 10 CFR 50.71 will be granted by the Director of Licensing only upon review and approval of a program plan containing comprehensive schedules or milestones for the submittal of an updated FSAR for Byron/Braidwood.

Dated at Bethesda, Maryland, this *27th* day of *August* 1985.

FOR THE NUCLEAR REGULATORY COMMISSION

15/
Thomas M. Novak, Acting Director
Division of Licensing
Office of Nuclear Reactor Regulation

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