

50-456, 467, 50-467, 453,
50-237, 50-249, 50-373, 374
60-254, 50-265



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20545-0001

July 27, 1999

Mr. Oliver D. Kingsley, President
Nuclear Generation Group
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR 50.71(e)(4) FOR BRAIDWOOD,
UNITS 1 AND 2; BYRON, UNITS 1 AND 2; DRESDEN, UNITS 2 AND 3;
LASALLE, UNITS 1 AND 2; AND QUAD CITIES, UNITS 1 AND 2 (TAC NOS.
MA5716, MA5717, MA5720, MA5721, MA5722, MA5723, MA5729, MA5730,
MA5732 AND MA5733)

Dear Mr. Kingsley:

The Commission has issued the enclosed exemptions from certain requirements of Section 50.71(e)(4) of Title 10 of the Code of Federal Regulations (10 CFR 50.71(e)(4)) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for the following nuclear stations: Braidwood, Units 1 and 2; Byron, Units 1 and 2; Dresden, Units 2 and 3; LaSalle, Units 1 and 2; and Quad Cities, Units 1 and 2. In a letter dated May 4, 1993, Commonwealth Edison Company (ComEd, the licensee) requested the NRC review its proposed UFSAR revision policy and provide a written response. Because all of the ComEd nuclear stations are two unit sites with shared UFSARs (Braidwood and Byron share a common UFSAR and the Dresden, Quad Cities, and LaSalle stations maintain their own UFSARs, each of which is common to both units at each site) ComEd proposed to submit a single revision for each UFSAR not to exceed a 24-month interval, to meet the intent of 10 CFR 50.71. The staff had previously responded by letter dated June 15, 1993. In its response, the staff indicated that the proposed UFSAR revision frequency meets the intent of the rule and, therefore, is acceptable. Our response was based on the Statement of Consideration associated with this regulation which states that "with respect to the ... concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis. This final rule does not address multiple facilities." Despite this cited material, the wording of 10 CFR 50.71(e)(4) is legally binding as far as the frequency of UFSAR revision submissions is concerned. 10 CFR 50.71(e)(4) requires that revisions be filed annually or 6 months after each refueling outage, provided the interval between successive updates to the UFSAR does not exceed 24 months. Therefore, an exemption from the regulation is required to implement the revision submittal schedules proposed by ComEd. We are treating ComEd's proposal as a request for exemptions from 10 CFR 50.71(e)(4). This letter and the enclosed exemptions supersede our letter of June 15, 1993.

The staff has determined that the appropriate response to your May 4, 1993, letter should have been to grant an exemption from the regulation. Therefore, the NRC has issued exemptions from the requirement of 10 CFR 50.71(e)(4) consistent with the policy you proposed in your May 4, 1993, letter. Please note that, although the May 4, 1993, letter requested 24 month revision submittals for Zion Station, an exemption is not required because ComEd has

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O. Kingsley

cc:

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O. Kingsley

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Mr. Oliver D. Kingsley

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submitted certification under 10 CFR 50.82(a)(1), that it has permanently ceased operations at Zion and, therefore, UFSAR revisions are only required every 24 months per 10 CFR 50.71(e)(4).

A copy of the Exemptions and the supporting Safety Evaluation is enclosed. The Exemptions are being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

Donna M. Skay, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-457,
STN 50-454, STN 50-455, 50-237,
50-249, 50-373, 50-374, 50-254, 50-265

- Enclosures:
1. Exemption for Braidwood, Units 1 and 2
 2. Exemption for Byron, Units 1 and 2
 3. Exemption for Dresden, Units 2 and 3
 4. Exemption for LaSalle, Units 1 and 2
 5. Exemption for Quad Cities, Units 1 and 2
 6. Safety Evaluation

cc w/encls: See next page

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O. Kingsley

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. STN 50-456 and
)	STN 50-457
(Braidwood Station, Units 1 and 2))	

EXEMPTION

I.

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. NPF-72 and NPF-77 for the Braidwood Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

Braidwood Station consists of two pressurized water reactors located in Will County, Illinois.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." Byron, Units 1 and 2, and Braidwood, Units 1 and 2, share a common FSAR. Therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage.

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III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The licensee has proposed updating the Byron/Braidwood UFSAR no later than 24 months from the date of the previous UFSAR revision submittal. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "[w]ith respect to... multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the Braidwood/Byron UFSAR updates will ensure that the UFSAR will be maintained current for all units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the

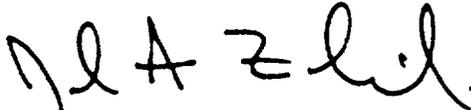
exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Braidwood/Byron UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Braidwood/Byron UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 27th day of July 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. STN 50-454 and
)	STN 50-455
(Byron Station, Units 1 and 2))	

EXEMPTION

I.

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. NPF-37 and NPF-66 for the Byron Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

Byron Station consists of two pressurized water reactors located in Ogle County, Illinois.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "[s]ubsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." Byron, Units 1 and 2, and the Braidwood station, Units 1 and 2, share a common FSAR. Therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage.

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the

requirements of the regulations of this part, which are - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The licensee has proposed updating the Braidwood/Byron UFSAR no later than 24 calendar months from the date of the previous UFSAR revision submittal. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "[w]ith respect to... multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the Braidwood/Byron UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the

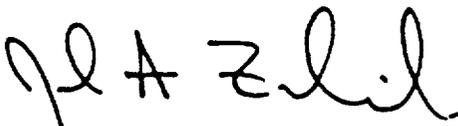
exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Braidwood/Byron UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Braidwood/Byron UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "John A. Zwolinski". The signature is written in a cursive style with a large initial "J" and "Z".

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 27th day of July 1999

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-237 and 50-249
)	
(Dresden Nuclear Power Station, Units 2 and 3))	

EXEMPTION

I.

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. DPR-19 and DPR-25 for the Dresden Nuclear Power Station, Units 2 and 3. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

Dresden Nuclear Power Station consists of two boiling water reactors located in Grundy County, Illinois.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "[s]ubsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." Dresden Nuclear Power Station, Units 2 and 3, share a common FSAR. Therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The licensee has proposed updating the unified Dresden UFSAR no later than 24 calendar months from the date of the previous UFSAR revision. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "[w]ith respect to... multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the Dresden UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is

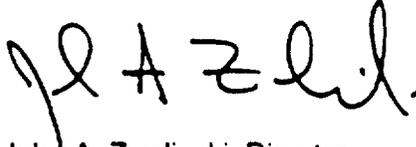
authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Dresden UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Dresden UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read 'J A Zwolinski', is written over the typed name below.

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 27th day of July 1999

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

In the Matter of COMMONWEALTH EDISON COMPANY (LaSalle County Station, Units 1 and 2))))))	Docket Nos. 50-373 and 50-374
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EXEMPTION

I.

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. NPF-11 and NPF-18 for LaSalle County Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

LaSalle County Station consists of two boiling water reactors located in LaSalle County, Illinois.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "[s]ubsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." The LaSalle station, Units 1 and 2, share a common FSAR. Therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The licensee has proposed updating the unified LaSalle UFSAR within 24 calendar months of the previous UFSAR revision. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "[w]ith respect to... multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the LaSalle UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is

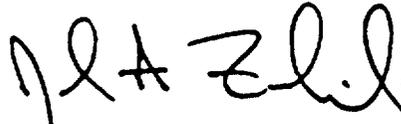
authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the LaSalle UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the LaSalle UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 27th day of July 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
COMMONWEALTH EDISON COMPANY)	Docket Nos. 50-254 and 50-265
)	
(Quad Cities Nuclear Power Station, Units 1 and 2))	

EXEMPTION

I.

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. DPR-29 and DPR-30 for Quad Cities Nuclear Power Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

Quad Cities Nuclear Power Station consists of two boiling water reactors located in Rock Island County, Illinois.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "[s]ubsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." Quad Cities Nuclear Power Station, Units 1 and 2, share a common FSAR. Therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The licensee has proposed updating the unified Quad Cities UFSAR no later than 24 calendar months from the date of the previous UFSAR revision submittal. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "[w]ith respect to... multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the Quad Cities UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the

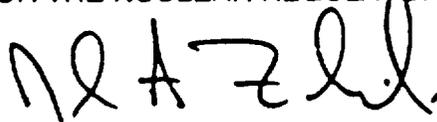
exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Quad Cities UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Quad Cities UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 27th day of July 1999



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO EXEMPTIONS FROM REQUIREMENTS OF 10 CFR 50.71(e)(4)

UPDATED FINAL SAFETY ANALYSIS REPORT

COMMONWEALTH EDISON COMPANY

BRAIDWOOD STATION, UNITS 1 AND 2

BYRON STATION, UNITS 1 AND 2

DRESDEN NUCLEAR POWER STATION, UNITS 2 AND 3

LASALLE COUNTY STATION, UNITS 1 AND 2

QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2

DOCKET NOS. STN 50-456, STN 50-457, STN 50-454, STN 50-455,

50-237, 50-249, 50-373, 50-374, 50-254 AND 50-265

1.0 INTRODUCTION

By letter dated May 4, 1993, Commonwealth Edison Company (ComEd, the licensee) submitted a letter to the NRC requesting that the Commission review its proposed Updated Final Safety Analysis Report (UFSAR) revision submittal policy and provide a written response. ComEd had revised its policy based on a rule change to 10 CFR 50.71, "Maintenance of records, making of reports" that became effective October 1, 1992. The rule change revised the requirement to provide revisions to the UFSAR on an annual basis. Specifically, the revised rule states, in part, that "[s]ubsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." Because ComEd stations share common updated FSARs, this rule would require the licensee to update each shared UFSAR annually or within 6 months after each unit's refueling outage.

2.0 EVALUATION

The requirement of 10 CFR 50.71(e)(4) ensures that all licensees update their FSARs annually or at least every refueling outage and no less frequently than every 2 years. The current rule, as revised August 31, 1992 (57 FR 39355), was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for

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ENCLOSURE 6

its facility. The burden reduction, however, can only be realized by single-unit facilities or multiple-unit facilities that maintain separate FSARs for each unit. The Commission did not provide in the rule for multiple unit facilities sharing a common FSAR. Rather, the Commission stated that "[w]ith respect to [the] concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." When two units share a common FSAR, the rule has the effect of requiring the licensee to update the FSAR at least annually. Because the ComEd units, which share common FSARs, are on 18-month fuel cycles and have staggered refueling outages, the FSAR updates would be submitted at least annually.

The staff had previously responded to ComEd's request of May 4, 1993, by letter dated June 15, 1993. In its response, the staff stated that the proposed UFSAR revision frequency meets the intent of the rule and, therefore, is acceptable. Our response was based on the Statements of Consideration associated with this rule which says that "[w]ith respect to the ... concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis. This final rule does not address multiple facilities." Despite this cited material, the wording of 10 CFR 50.71(e)(4) is legally binding as far as the frequency of a UFSAR revision submission is concerned. Therefore, an exemption from the regulation is required to implement the revision submittal policy proposed by ComEd.

The licensee's proposed schedule for submittal of UFSAR revisions is within 24 calendar months of the previous UFSAR revision. The revision will reflect all changes for both units for the stations with FSARs shared by both units up to a maximum of 6 months prior to the date of filing. For the Braidwood and Byron Stations, which share a single combined FSAR, the revision will reflect all changes for all four units, up to a maximum of 6 months prior to the date of filing. Thus, the requirement that an update be submitted annually or within 6 months of an outage of any unit would no longer be retained. With the exemption, the Braidwood/Byron, Dresden, LaSalle, and Quad Cities UFSARs will be updated and maintained current within 24 months of the last revision. Revising the UFSAR annually or 6 months after refueling outages for each unit is not necessary to achieve the underlying purpose of the rule.

3.0 CONCLUSION

The staff finds that the alternative proposed by the licensee is acceptable in that revising the UFSAR annually or 6 months after refueling outages for each unit is not necessary to achieve the underlying purpose of the rule (10 CFR 50.71(e)(4)), which is to require the FSAR of each station be revised at least once per 24 months.

Principal Contributor: D. Skay

Date: July 27, 1999