

December 16, 1987

Docket No. 50-498

Mr. J. H. Goldberg
Group Vice - President, Nuclear
Houston Lighting and Power Company
P. O. Box 1700
Houston, Texas 77001

Dear Mr. Goldberg:

SUBJECT: EXEMPTION RELATED TO SUBMITTAL OF UPDATED FINAL
SAFETY ANALYSIS REPORT - SOUTH TEXAS PROJECT, UNIT 1

In response to your letter dated October 5, 1987, the Commission has issued the enclosed Exemption from the requirements of 10 CFR 50.71(e)(3)(i) for the above facility. The exemption extends the date for submittal of the Updated Final Safety Analysis Report to no later than one year after initial licensing of South Texas Project, Unit 2.

We have concluded, based on the considerations discussed in the exemption, that the exemption will not present undue risk to the public health and safety, and is consistent with the common defense and security. We further determine that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption.

The exemption is being forwarded to the Office of the Federal Register for publication. The related Notice of Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on December 16, 1987. A copy is enclosed for your information.

Sincerely,

js

Jose A. Calvo, Director
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects

Enclosures:

1. Exemption
2. Environmental Assessment

cc w/enclosures:
See next page

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P PDR

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Docket File	NRC PDR	Local PDR	PD4 Reading
T. Murley/J. Sniezek	F. Miraglia	C. Rossi	D. Crutchfield
DR4A	J. Calvo	P. Noonan	P. Kadambi
OGC-Bethesda	E. Jordan	J. Partlow	
T. Barnhart (4 cys for each Docket No.)		ACRS (10)	GPA/PA
ARM/LFMB	PD4 Plant File		

*SEE PREVIOUS PAGE FOR CONCURRENCES

PD4/LA*	PD4/PM*	PD4/D*
PNoonan	PKadambi:sr	JCalvo
11/18/87	11/18/87	11/20/87

OGC
R. Bachmann
12/4/87

MC
DR4A
J. Calvo
ACTING
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12

PD
DRSP:
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DCrutchfield
12/10/87
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Docket No. 50-498

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Group Vice - President, Nuclear
Houston Lighting and Power Company
P. O. Box 1700
Houston, Texas 77001

Dear Mr. Goldberg:

SUBJECT: EXEMPTION RELATED TO SUBMITTAL OF UPDATED FINAL
SAFETY ANALYSIS REPORT - SOUTH TEXAS PROJECT, UNIT 1

In response to your letter dated October 5, 1987, the Commission has issued the enclosed Exemption from the requirements of 10 CFR 50.71(e)(3)(i) for the above facility. The exemption extends the date for submittal of the Updated Final Safety Analysis Report to no later than one year after initial licensing of South Texas Project, Unit 2.

We have concluded, based on the considerations discussed in the exemption, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by this action, and (2) such activities will not be inimical to the common defense and security or to the health and safety of the public.

The exemption is being forwarded to the Office of the Federal Register for publication. The related Notice of Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on 1987. A copy is enclosed for your information.

Sincerely,

Jose A. Calvo, Director
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects

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- 1. Exemption
 - 2. Environmental Assessment
- cc w/enclosure:
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11/18/87	11/18/87	11/20/87	DCrutchfield
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Joe Calvo
11/27/87

~~*OGC*
R. Schumann
11/23/87~~

Mr. J. H. Goldberg
Houston Lighting and Power Company

South Texas Project

cc:

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Houston Lighting & Power Company - 2 - South Texas Project

cc:

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Mr. J. H. Goldberg
Houston Lighting and Power Company

South Texas Project (other)

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EIS Review Coordinator
EPA Regional VI Office
1201 Elm Street
Dallas, Texas 75270

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

In the Matter of
 HOUSTON LIGHTING & POWER
 COMPANY*, ET AL.

(South Texas Project, Unit 1)

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Docket No. 50-498

EXEMPTION

I.

On August 21, 1987, the Commission issued Facility Operating License No. NPF-71 to Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, and City of Austin, Texas (the licensees) for South Texas Project, Unit 1. This license provided, among other things, that the facility is subject to all rules, regulations and Orders of the Commission.

II.

Section 50.71(e)(3)(i) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later. This would require submittal of the UFSAR for South Texas Project, Unit 1 by August 21, 1989 and would result in an entirely new document from the existing South Texas FSAR.

*Houston Lighting & Power Company is authorized to act for the City Public Service Board of San Antonio, Central Power and Light Company and City of Austin, Texas and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

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By letter dated October 5, 1987, the licensees requested an exemption from 10 CFR 50.71(e) which would defer submittal of the UFSAR until one year following receipt of a low-power operating license for South Texas Project, Unit 2. The licensees state that they will continue to maintain the South Texas Project FSAR as a description of both Units 1 and 2. The FSAR will be updated by periodic amendments during the period that Unit 2 is under construction, thus assuring that timely information regarding both units is provided.

III.

The NRC staff has reviewed the licensees' request for an extension of the South Texas UFSAR submittal date. The 10 CFR 50.34 requires that, until South Texas Unit 2 receives an operating license, the information contained in the FSAR docketed with the operating license application be maintained current. Hence, if an extension to the submittal date for the UFSAR is not granted, the licensees would be required to maintain current both the present FSAR as well as the Unit 1 UFSAR until South Texas Unit 2 is licensed. Maintaining two versions of the same document for the two South Texas units would not serve the underlying purpose of 10 CFR 50.71(e), which is to assure that the final safety analysis report contains the latest material developed. Maintenance of a separate document to satisfy 50.34 for Unit 2 to support licensing would not provide the NRC with significant additional information and could lead to ambiguities and confusion. Thus, an undue administrative burden would be imposed which results in no measurable gain.

Therefore an extension is needed to eliminate the hardship of maintaining two versions of the same document. Until South Texas Unit 2 receives an operating license, the licensees have committed to maintain the present FSAR

current for both units by periodically amending the document. This will assure that the underlying purpose of 10 CFR 50.71(3), i.e., assurance that the safety analysis report contains the latest material developed, continues to be met.

For these reasons, the staff finds that the licensees have shown good cause for the requested extension of the date for submittal of the Updated Final Safety Analysis Report. Therefore, the requested extension to no later than one year after issuance of a low power license for South Texas, Unit 2 is acceptable. This extension will terminate, unless further extended, no later than the end of August 1990.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12 (a)(1), this 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. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption. The application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensees have updated the South Texas FSAR in support of licensing South Texas Unit 2 and will continue to update it periodically until Unit 2 is licensed.

Accordingly, the Commission hereby grants an exemption as described in Section III above from Section 50.71(e)(3)(i) of 10 CFR Part 50 to extend the date for submittal of the updated FSAR to no later than one year after date of issuance of a low power license for South Texas project, Unit 2. This exemption granting the extension is effective until the end of August 1990.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (52 FR 47805).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Dennis M. Crutchfield, Director
Division of Reactor Projects - III, IV,
V and Special Projects
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 16th day of December, 1987.

UNITED STATES NUCLEAR REGULATORY COMMISSIONHOUSTON POWER & LIGHT COMPANY, ET AL.DOCKET NO. 50-498NOTICE OF ENVIRONMENTAL ASSESSMENT AND FINDING OFNO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the schedular requirements of 10 CFR 50.71(e)(3)(i) to the Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company and City of Austin, Texas (the licensees) for the South Texas Project, Unit 1, located at the licensee's site in Matagorda County, Texas.

ENVIRONMENTAL ASSESSMENT

Identification of Proposed Action: The proposed action would grant an exemption from the requirement of 10 CFR 50.71(e) to submit an updated Final Safety Analysis Report (UFSAR) for Unit 1 of the South Texas Project within 24 months of the issuance of the operating license. The operating license was issued for South Texas Project, Unit 1 on August 21, 1987. By letter dated October 5, 1987, the licensees requested an exemption to 10 CFR 50.71(e) which would defer submittal of the UFSAR for South Texas Unit 1 until one year following receipt of a low-power operating license for South Texas Unit 2 on the basis that the present FSAR applies to both units. It has been amended and will be continued to be amended until South Texas Project, Unit 2 is licensed.

The Need for the Proposed Action: 10 CFR 50.34 requires that, until South Texas Unit 2 receives an operating license, the information contained in the FSAR docketed with the operating license application be maintained

current. Hence, if an extension to the submittal date for the UFSAR is not granted, the licensees would be required to maintain current both the present FSAR as well as the UFSAR until South Texas Unit 2 is licensed. Maintaining two versions of the same document for the two South Texas units would cause a hardship, could lead to ambiguities or confusion, and would serve no useful purpose if the existing FSAR is maintained up-to-date until Unit 2 is licensed.

Therefore, an extension is needed to eliminate the hardship of maintaining two versions of the same document. Until Unit 2 receives an operating license, the licensees have committed to maintain the present FSAR current for both units by periodically amending the document.

Environmental Impact of the Proposed Action: The proposed exemption affects only the required date for submitting the UFSAR and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. With regard to potential non-radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require an earlier date for submittal of the UFSAR. Such an action would not enhance the protection of the environment and would result in unnecessary hardship of maintaining two versions of the same document.

Alternative Use of Resources: This action does not involve the use of resources not considered previously in the Final Environmental Statement for South Texas Project, Units 1 and 2.

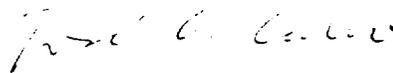
Agencies and Persons Consulted: The NRC staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact: The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensees' letter dated October 5, 1987. The letter is available for public inspection at the Local Public Document Rooms in the Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488 and in the Austin Public Library, 810 Guadalupe street, Austin, Texas 78701.

Dated at Bethesda, Maryland, this 10th day of December, 1987.

FOR THE NUCLEAR REGULATORY COMMISSION



Jose A. Calvo, Director
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation