Docket No. 50-445

July 15, 1991

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Mr. William J. Cahill, Jr.
Executive Vice President
Texas Utilities Electric Company
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Dear Mr. Cahill:

SUBJECT: EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 50.71(e) - SCHEDULAR REQUIREMENTS FOR FILING UPDATED FINAL SAFETY ANALYSIS REPORT - COMANCHE PEAK STEAM ELECTRIC STATION, UNIT NO. 1 (TAC NO. 80097)

By letter dated April 1, 1991, TU Electric requested an exemption from the requirements of 10 CFR 50.71(e) to allow TU Electric to defer submittal of the Updated Final Safety Analysis Report (UFSAR) for Comanche Peak Steam Electric Station, Unit 1, until two years following receipt of a low-power operating license for Comanche Peak Steam Electric Station, Unit 2.

Section 50.71(e)(3)(i) of Title 10 of the Code of Federal Regulations requires licensees to submit an updated UFSAR within 24 months of the issuance of the operating license. Section 50.34 of Title 10 of the Code of Federal Regulations requires that, until Comanche Peak Steam Electric Station, Unit No. 2 receives an operating license, the information contained in the FSAR docketed with the operating license application be maintained current. This exemption extends the date for submittal of the updated FSAR to eliminate the hardship of maintaining two versions of the same document.

The Commission has granted this exemption pursuant to 10 CFR 50.12. A copy of the exemption is enclosed and is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

George F. Dick, Jr., Acting Director
Project Directorate IV-2
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
See next page

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DATE	:5/29/91	:5/30/91	:6/3 /91	:6/05/91	:6/10/91	

OFC	:DRPW:ADR4/5	:DIR:DRPW	:	:	:
NAME	:MVirgilio	:BBoger	:	:	:
DATE	:6/20/91	:6/21/91	:	:	:

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cc w/enclosure:
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P.O. Box 851
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
TEXAS UTILITIES ELECTRIC COMPANY	)	Docket No. 50-445
	)	
(Comanche Peak Steam Electric Station, Unit No. 1)	)	

EXEMPTION

I.

On April 17, 1990, the Commission issued Facility Operating License No. NPF-87 to Texas Utilities Electric Company, et al. (the licensee) for Comanche Peak Steam Electric Station, Unit No. 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 Title 10 of the Code of Federal Regulations 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 by April 17, 1992, and would result in an entirely new document from the existing Comanche Peak FSAR.

By letter dated April 1, 1991, the licensee requested an exemption from 10 CFR 50.71(e) which would defer submittal of the UFSAR until two years following receipt of a low-power operating license for Comanche Peak Steam Electric Station, Unit 2. The licensee states that it will continue to maintain the

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Comanche Peak Steam Electric Station 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 licensee's request for an extension of the Comanche Peak Steam Electric Station, Unit No. 1, UFSAR submittal date. Section 50.34 of Title 10 of the Code of Federal Regulations requires that, until Comanche Peak Steam Electric Station, Unit No. 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 licensee would be required to maintain current both the present FSAR as well as the Unit 1 UFSAR until Comanche Peak Steam Electric Station, Unit No. 2 is licensed. Maintaining two versions of the same document for the two Comanche Peak Steam Electric Stations 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. 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 Comanche Peak Steam Electric Station Unit No. 2 receives an operating license, the licensee has 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(e), 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 licensee has 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 two years after issuance of a low-power license for Comanche Peak Steam Electric Station, Unit No. 2 is acceptable. This extension will terminate, unless further extended, no later than the end of December 1995.

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 licensee has updated the Comanche Peak Steam Electric Station FSAR in support of licensing Comanche Peak Steam Electric Station, Unit No. 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 10 CFR 50.71(e)(3)(i) of 10 CFR Part 50 to extend the date for submittal of the updated FSAR to no later than two years after the date of issuance of a low-power license for Comanche Peak Steam Electric Station, Unit No. 2. This exemption is effective until the end of December 1995.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the Exemption will have no significant impact on the environment (56 FR 24100).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland, this 15th day of July 1991.

FOR THE NUCLEAR REGULATORY COMMISSION

Bruce A. Boger

Bruce A. Boger, Director
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation