

PDR
4/27/99

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON)
COMPANY)
)
(San Onofre Nuclear Generating Station,)
Unit Nos. 2 and 3))

Docket Nos. 50-361 and 50-362
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EXEMPTION

I.

Southern California Edison Company (SCE, the licensee) is the holder of Facility Operating License Nos. NPF-10 and NPF-15, which authorize operation of the San Onofre Nuclear Generating 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.

These facilities consist of two pressurized water reactors located at the licensee's site in San Clemente, California.

II.

Section 50.71 of Title 10 of the Code of Federal Regulations (10 CFR), "Maintenance of records, making reports," paragraph (e)(4) states, in part, that "Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two San Onofre Nuclear Generating Station (SONGS) units share a common Final Safety Analysis Report (FSAR);

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therefore, this rule requires the licensee to update the same document within six months after a refueling outage for each unit.

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 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 "Application 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's proposed schedule for FSAR updates, 6 months following every Unit 3 refueling outage, but not exceeding 24 months, will ensure that the SONGS FSAR will be maintained current within 24 months of the last revision. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months following a refueling outage for either unit, a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii).

IV.

The Commission has 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. Therefore, the Commission hereby grants Southern California Edison Company an exemption from the requirements of 10 CFR 50.71(e)(4) to submit updates to the SONGS UFSAR within 6 months following every Unit 3 refueling, not to exceed 24 months, beginning 6 months after the next Unit 3 refueling outage or 24 months from the last update of the SONGS UFSAR, whichever is sooner.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the environment (64 FR 14470).

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 fluid and cursive, with the first name "John" and last name "Zwolinski" clearly distinguishable.

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

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