

William R. Kanda
Vice President - Nuclear

440-280-5579
Fax: 440-280-8029

August 8, 2003
PY-CEI/NRR-2723L

United States Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Perry Nuclear Power Plant
Docket No. 50-440
Request for Exemption from 10CFR50.71, "Maintenance of Records, Making Reports"

Ladies and Gentlemen:

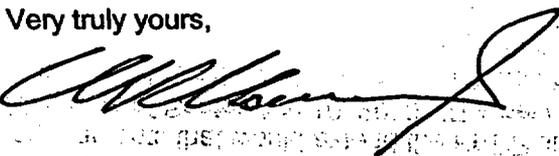
In accordance with the provisions of 10CFR50.12, the Perry Nuclear Power Plant (PNPP) requests exemption from the requirements of 10CFR50.71. Specifically, PNPP requests a one-time schedular exemption from 10CFR50.71(e)(4) which requires licensees to provide the Nuclear Regulatory Commission with updates to the Final Safety Analysis Report (FSAR) annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect changes up to 6 months prior to the date of filing.

When granted, this exemption would provide a one-time schedular exemption from these requirements that would extend the PNPP submittal date up to 120 days beyond the normal filing date of September 10, 2003. The new filing date would be January 8, 2004. The requirement to reflect changes up to 6 months prior to the date of filing would still apply. The exemption is requested to allow adequate time to complete the submittal. While preparing the submittal, a computer failure occurred affecting the PNPP Electronic Data Management System (EDMS) which resulted in the loss of over 11,000 electronic documents. Updates to the FSAR that were being prepared were among the documents lost. Due to having to reconstruct the updated FSAR information that was lost, additional time will be required to complete the submittal. The schedular exemption would also enable the PNPP staff to incorporate changes that have occurred during the most recent PNPP refueling outage into the updated FSAR that will be submitted.

Attachment 1 provides the basis for the exemption request.

If you have questions or require additional information, please contact Mr. Vernon K. Higaki, Manager - Regulatory Affairs, at (440) 280-5294.

Very truly yours,



cc: NRC Project Manager
NRC Resident Inspector
NRC Region III

A001

REQUEST FOR EXEMPTION FROM 10CFR50.71

Proposed Exemption

The Perry Nuclear Power Plant (PNPP) requests a one-time schedular exemption from 10CFR50.71(e)(4) which requires licensees to provide the Nuclear Regulatory Commission (NRC) with updates to the Final Safety Analysis Report (FSAR) annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect changes up to 6 months prior to the date of filing.

Background

~~The need for the exemption is to allow adequate time to complete the submittal. While preparing the submittal, a computer failure occurred affecting the PNPP Electronic Data Management System (EDMS) which resulted in the loss of over 11,000 electronic documents. Updates to the FSAR which were being prepared were among the documents lost. Due to the PNPP staff needing to reconstruct the updated FSAR documents that were lost, as well as the other lost documents, additional time will be required to complete the updated FSAR submittal.~~

Basis For Exemption

Pursuant to 10CFR50.12, the NRC may grant an exemption from requirements contained in 10CFR50 provided the following three conditions are satisfied:

1. The requested exemption is authorized by law,
2. The requested exemption will not present an undue risk to the public health and safety, and
3. The requested exemption is consistent with the common defense and security.

Changes to a facility or its operation are made through use of change processes that are defined in regulations other than 10CFR50.71, e.g., 10CFR50.59, 10CFR50.90, and 10CFR50.54. ~~These other regulations provide the primary means of screening and evaluating proposed changes, and for notifying the NRC when prior review of a proposed change is necessary. These processes are the means for ensuring that proposed changes will not present an undue risk to the public health and safety and are consistent with the common defense and security. The updated FSAR is simply a report that contains information regarding the latest changes made to the facility, procedures, safety analyses and evaluations, and analyses of new safety issues made under these regulations. Since the updated FSAR reflects changes after they have been implemented, extending the due date of the updated FSAR does not present an undue risk to the public health and safety, and will not endanger the common defense and security. Additionally, since the regulatory process of 10CFR50.12 is being followed, the exemption is authorized by law. Therefore the three criteria are satisfied.~~

In addition, 10CFR50.12(a) states that the NRC will not grant an exemption unless special circumstances are present. The following special circumstances described within 10CFR50.12(a)(2) apply to the requested exemption. An evaluation follows each special circumstance listed.

“Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.” [50.12(a)(2)(iii)]

Pursuant to 10CFR50.71(e), the PNPP staff was preparing the present updated FSAR submittal for filing in September 2003. In early July, approximately 900 text pages were already prepared for the submittal. On July 9, the computer supporting the PNPP EDMS failed, resulting in the loss of over 11,000 documents. The EDMS was unavailable for approximately 10 days due to repair and data recovery efforts. During the recovery efforts, it was identified that documents prepared for updating the FSAR were lost. The 900 text pages will have to be re-created. Since thousands of other documents (e.g., plant operating instruction changes, ~~plant maintenance instruction changes~~) were also lost and need to be re-created, these restoration efforts are putting great strain on site resources and schedules. Additionally, when the computer failure occurred, the updated FSAR submittal was approximately 80% complete. Thus, the remainder of the submittal also needs to be completed. With much of the site's resources being committed to the restoration efforts, minimal personnel are available to re-create the lost FSAR documents and complete the unfinished portions of the updated FSAR submittal. Due to the resources and time required to recover/re-create the lost documents, including the portions of the updated FSAR lost, attempting to complete the updated FSAR submittal by September 2003 creates a hardship.

“The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.” [50.12(a)(2)(v)]

The 120-day extension would be applied one time only for the updated FSAR revision that is currently being developed. Schedules for subsequent submittals would be in no way affected by the requested exemption. The PNPP staff has made a good faith effort in attempting to comply with 10CFR50.71(e), in that the updated FSAR submittal was approximately 80% complete prior to the computer failure which lost approximately 900 text pages.

In summary, PNPP has satisfied the provisions of 10CFR50.12. Therefore, PNPP requests the exemption from 10CFR50.71(e) be approved.