

January 29, 2016

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Calvert Cliffs Nuclear Power Plant, Units 1 and 2
Renewed Facility Operating License Nos. DPR-53 and DPR-69
NRC Docket Nos. 50-317 and 50-318

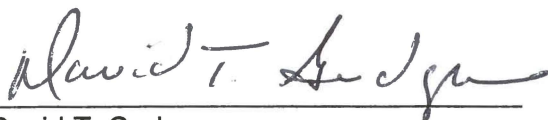
Subject: Calvert Cliffs Nuclear Power Plant, Units 1 and 2
Exemption Request Related to Updated Final Safety
Analysis Report 10 CFR 50.71(e)(4) Update Schedule

Pursuant to 10 CFR 50.12, "*Specific exemptions*," Exelon Generation Company, LLC (Exelon), the licensee for Calvert Cliffs Nuclear Power Plant (CCNPP), Units 1 and 2 requests U.S. Nuclear Regulatory Commission (NRC) approval of a schedular exemption related to submitting Updated Final Safety Analysis Report (UFSAR) revisions to the NRC. Specifically, this exemption request is associated with the schedule requirements contained in 10 CFR 50.71 (e)(4), which stipulates that revisions to the UFSAR must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. CCNPP is a two-unit plant sharing a common UFSAR. Therefore, based on a literal interpretation of the language contained in 10 CFR 50.71(e)(4), Exelon would be required to update the CCNPP UFSAR within 6 months after each respective unit's refueling outage. The details of the 10 CFR 50.12 exemption request are included in the attachment.

Exelon is requesting that the NRC grant this exemption by September 30, 2016. This exemption request contains no regulatory commitments.

If you have any questions or require additional information, please contact Enrique Villar at 610-765-5736.

Respectfully,



David T. Gudger
Manager - Licensing & Regulatory Affairs
Exelon Generation Company, LLC

Exemption Request Related to UFSAR
10 CFR 50.71(e)(4) Update Schedule
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Attachment: Exemption Request Related to Updated Final Safety Analysis
Report 10 CFR 50.71(e)(4) Update Schedule

cc:	Regional Administrator - NRC Region I	w/ Attachment
	NRC Senior Resident Inspector - Calvert Cliffs	"
	USNRC Project Manager, NRR - Calvert Cliffs	"
	S. Gray, State of Maryland	"

ATTACHMENT

Calvert Cliffs Nuclear Power Plant, Units 1 and 2
NRC Docket Nos. 50-317 and 50-318

Exemption Request
Related to Updated Final Safety Analysis Report 10 CFR 50.71(e)(4) Update Schedule

EXEMPTION REQUEST

Related to Updated Final Safety Analysis Report 10 CFR 50.71(e)(4) Update Schedule

I. SPECIFIC EXEMPTION REQUEST

In accordance with 10 CFR 50.12, "*Specific exemptions*," paragraph (a)(1), Exelon Generation Company, LLC (Exelon), is requesting U.S. Nuclear Regulatory Commission (NRC) approval of an exemption from the requirements of 10 CFR 50.71, "*Maintenance of records, making of reports*," paragraph (e)(4), related to the schedule for submitting periodic updates to the Calvert Cliffs Nuclear Power Plant (CCNPP), Units 1 and 2, Updated Final Safety Analysis Report (UFSAR). 10 CFR 50.12(a)(1) stipulates the NRC 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 authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

II. BASIS FOR EXEMPTION REQUEST

10 CFR 50.71(e)(4) stipulates:

(e) Each person licensed to operate a nuclear power reactor under the provisions of § 50.21 or § 50.22, and each applicant for a combined license under part 52 of this chapter, shall update periodically, as provided in paragraphs (e) (3) and (4) of this section, the final safety analysis report (FSAR) originally submitted as part of the application for the license, to assure that the information included in the report contains the latest information developed. This submittal shall contain all the changes necessary to reflect information and analyses submitted to the Commission by the applicant or licensee or prepared by the applicant or licensee pursuant to Commission requirement since the submittal of the original FSAR, or as appropriate, the last update to the FSAR under this section. The submittal shall include the effects of all changes made in the facility or procedures as described in the FSAR; all safety analyses and evaluations performed by the applicant or licensee either in support of approved license amendments or in support of conclusions that changes did not require a license amendment in accordance with § 50.59(c)(2) or, in the case of a license that references a certified design, in accordance with § 52.98(c) of this chapter; and all analyses of new safety issues performed by or on behalf of the applicant or licensee at Commission request. The updated information shall be appropriately located within the update to the FSAR.

(4) Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filling. For nuclear power reactor facilities that have submitted the certifications required by § 50.82(a)(1), subsequent revisions must be filed every 24 months.

The exemption request is associated with the submittal schedule requirements contained in 10 CFR 50.71(e)(4) that requires revisions to the UFSAR be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months.

CCNPP is a two-unit plant sharing a common UFSAR. Therefore, based on a literal interpretation of the language contained in 10 CFR 50.71(e)(4), Exelon would be required to update the CCNPP UFSAR within 6 months after each respective unit's refueling outage.

In August 1992, the NRC promulgated rule changes affecting 10 CFR 50.71(e)(4). The rule change that was published in the *Federal Register* on August 31, 1992 (i.e., 57FR39358), with an effective date of October 1, 1992, and was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. These are the same requirements in effect currently.

When a two-unit plant site such as CCNPP shares a common UFSAR and has staggered refueling outages (i.e., one unit a year/alternating years), 10 CFR 50.71(e)(4) has the net effect of requiring the UFSAR to be updated every 12 months. However, as written, the burden reduction can only be realized by single-unit facilities, or multiple-unit facilities that maintain separate UFSARs for each unit, neither of which is the case for CCNPP. Consequently, since CCNPP is a multiple-unit facility with a common UFSAR, the phrase "each refueling outage" cited in 10 CFR 50.71(e)(4) increases the regulatory burden rather than providing a decrease, which is contrary to the intent of the rule.

In the *Summary and Analysis of Public Comments* published with the 10 CFR 50.71(e)(4) rule change (i.e., 57FR39355), the NRC indicated that the final rule did not address multi-unit facilities sharing a common UFSAR. However, one comment suggested that a licensee of a multiple-unit facility should designate the refueling schedule of one of the units to establish the schedule for revision of the common UFSAR. In response to that comment, the NRC stated that for "*multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis.*" Exelon understands that based on a literal interpretation of 10 CFR 50.71(e)(4), a specific NRC exemption to realize the intended burden reduction premise of the rule would be required.

Exelon proposes to designate the CCNPP Unit 2 refueling schedule as the basis for the schedule for submitting the common UFSAR updates. The requested exemption will allow periodic updates of the CCNPP UFSAR once per fuel cycle, within 6 months following completion of each CCNPP Unit 2 refueling outage, not to exceed 24 months from the last submittal. Therefore, the regulatory requirement that an update be submitted within 6 months following each unit's refueling outage would not be retained. Allowing the exemption would maintain the CCNPP UFSAR within 24 months of the last revision and would not exceed a 24-month interval. The proposed exemption provides an equivalent level of protection to the existing regulation and should be considered acceptable.

The last periodic CCNPP UFSAR update was submitted to the NRC on September 14, 2015, following the February 2015 CCNPP Unit 2 outage. Based on Exelon's proposed exemption utilizing CCNPP Unit 2 as the lead plant, the next CCNPP UFSAR update would not be required until September 14, 2017; thus eliminating the need for a submittal in 2016 following the CCNPP Unit 1 outage schedule to commence in February 2016. Therefore, Exelon is requesting that the NRC approve the exemption before September 30, 2016; in order to realize the regulatory burden reduction.

Because the primary intent of the rule as stated by the NRC was burden reduction and the current NRC staff interpretation of the rule would increase the regulatory burden of the CCNPP staff by requiring updates to the common CCNPP UFSAR within 6 months after each respective unit's refueling outage, this exemption request qualifies under 10 CFR 50.12(a)(2)(ii).

10 CFR 50.12(a)(2)(ii) stipulates:

(a) 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 --

(2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever--

(ii) 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; or...

Special Circumstances

CCNPP, Units 1 and 2, maintains a common UFSAR. Currently, CCNPP submits updates of the common UFSAR 6 months after each unit's refueling outage. This results in the submittal of UFSAR updates essentially once every 12 months. The rule change promulgated in August 1992 (i.e., 57FR39358, dated August 31, 1992) was intended to provide some reduction in regulatory burden by limiting the frequency of required UFSAR updates. These UFSAR updating requirements remain in effect currently. However, as written, the burden reduction can only be realized by single-unit facilities, or multiple-unit facilities that maintain separate UFSARs for each unit, neither of which is the case for CCNPP. Since CCNPP is a dual-unit facility with a common USFAR, the phrase "each refueling outage" cited in 10 CFR 50.71(e)(4) increases the regulatory burden rather than providing a decrease, which is contrary to the intent of the rule.

Therefore, special circumstances in that application of the requirements would not serve the underlying purpose of the rule and is not necessary to achieve the underlying purpose of the rule.

Justification for the Exemption

In accordance with 10 CFR 50.12(a)(1), the NRC may grant exemptions from certain requirements of the 10 CFR 50 regulations that are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

1. This exemption request is authorized by law:

In accordance with 10 CFR 50.12, the NRC may grant an exemption from the requirements of 10 CFR 50, if the exemption is authorized by law. The proposed exemption is authorized by law in that no other prohibition of law exists to preclude the activities which would be authorized by the exemption. The proposed exemption will continue to serve the underlying purpose of the regulation. The underlying purpose of the rule is to ensure that licensees periodically update their UFSARs to assure they remain up-to-date such that they accurately reflect the plant design and operation. The rule does not require that licensees review all the information contained in

the UFSAR for each periodic update. Rather, the intent of the rule is that licensees update only those portions that have been affected by licensee activities since the previous update. As required by 10 CFR 50.71(e)(4), UFSAR updates shall be submitted within 6 months following each refueling outage provided the interval between successive updates does not exceed 24 months. Submitting updates to the common CCNPP UFSAR 6 months following the CCNPP Unit 1 refueling outage as proposed and not exceeding 24 months between successive updates continues to meet the intent of the regulation from the perspective of regulatory burden reduction and maintaining UFSAR information up-to-date.

Therefore, this exemption request is authorized by law.

2. This exemption request will not present an undue risk to the public health and safety:

The UFSAR describes methods for conforming with applicable NRC regulations and contains the technical information required by 10 CFR 50.34(b), including information that describes the facility, presents the design bases and the limits on its operation, and presents the safety analyses of the structures, systems and components and of the facility as a whole. The NRC has promulgated rule changes (i.e., 10 CFR 50.71(e)), which requires licensees to update their UFSARs periodically to assure that the information provided is the latest material developed. As noted above, 10 CFR 50.71(e) requires licensees to periodically update their UFSARs in order to maintain information up-to-date. Based on the specific requirements, the NRC has determined that an update frequency not exceeding 24 months between successive updates to be acceptable for maintaining the UFSAR content up-to-date. The proposed exemption provides an equivalent level of protection to the existing requirements and meets the primary intent of the 10 CFR 50.71(e)(4) rule (i.e., regulatory burden reduction).

Therefore, this exemption request will not present an undue risk to the public health and safety.

3. This exemption request is consistent with the common defense and security:

This exemption requests NRC approval to permit periodic updates of the common CCNPP, Units 1 and 2, UFSAR to be submitted within 6 months following completion of each CCNPP Unit 1 refueling outage, but not to exceed 24 months from successive submittals. Therefore, the regulatory requirement that an update be submitted within 6 months following each unit's refueling outage would not be retained. Allowing the exemption would maintain the CCNPP UFSAR within 24 months of the last revision and would not exceed a 24-month interval. The proposed exemption provides an equivalent level of protection to the existing regulation and should be considered acceptable.

The common defense and security are not affected by this exemption request.

III. ENVIRONMENTAL ASSESSMENT

Exelon has determined that the requested exemption meets the categorical exclusion provision in 10 CFR 51.22(c)(25), as the requested licensing action is an exemption from the requirements of the NRC's regulations and (i) there is no significant hazards consideration; (ii) there is no significant changes in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological

accidents; and (vi) the requirements from which an exemption is sought involve Item (G), "*Scheduling requirements.*" Therefore, in accordance with 10 CFR 51.22(b), no environmental assessment or environmental impact statement needs to be prepared in connection with the proposed exemption request.

IV. CONCLUSION

As discussed and demonstrated above, Exelon considers that this exemption request is in accordance with the criteria of 10 CFR 50.12. Specifically, the requested 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. Also, special circumstances are present as previously described. There are no adverse environmental impacts since the requested exemption satisfies the categorical exclusion provisions of 10 CFR 51.22(c)(25).

Exelon is requesting NRC approval of the exemption by September 30, 2016.