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 RECIP. NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Requests exemption from requirements of 10CFR50.71(e)(4) re
 submission of revs to updated FSAR for plant. Exemption
 allows submittal of updates on 18-month calendar periodicity
 w/updates not tied to particular refueling outage.

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102-04131-JML/SAB/RMW
June 9, 1998

U. S. Nuclear Regulatory Commission
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Reference: (1) Letter 102-03474 dated September 17, 1995, from W. L. Stewart,
APS, to NRC, "Updated Final Safety Analysis Report (UFSAR)
Submittal Schedule"

Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Docket Nos. STN 50-528/529/530
Request for Exemption from 10 CFR 50.71(e)(4), Schedule
Requirements for Submitting Final Safety Analysis Report Updates**

Pursuant to 10 CFR 50.12(a), Arizona Public Service Company (APS) requests an exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for PVNGS. 10 CFR 50.71(e)(4) states that "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 requested exemption would allow APS to submit UFSAR updates on an 18-month calendar periodicity with the updates not tied to a particular unit's refueling outage schedule.

PVNGS is a three-unit facility that shares a common UFSAR. Therefore, as currently interpreted by the NRC [as documented in proposed Generic Letter 98-xx: Interim Guidance for Updated Final Safety Analysis Reports in accordance with 10 CFR 50.71(e)], 10 CFR 50.71(e)(4) would require APS to submit updates to the UFSAR annually or within six months of each refueling outage. Based on the 18-month refueling outage schedule for the PVNGS units (i.e., two refueling outages per year typically) this regulation would require at least two UFSAR updates to be submitted annually if the refueling outage option were used. The requested exemption would have the effect of reducing the number of required updates to a single update that is submitted every 18 months on a calendar basis. An 18-month period would normally encompass one refueling outage for each unit.

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The rule change that was published in the Federal Register on August 31, 1992 (57 FR 39358), which became effective on October 1, 1992, was intended to provide some reduction in regulatory burden by limiting the frequency of the required UFSAR updates. However, the rule, as currently written, is such that the burden reduction can only be realized by single-unit facilities or by multiple-unit facilities that maintain a separate UFSAR for each unit. PVNGS is a three-unit facility that shares a common UFSAR. Consequently, the phrase "each refueling outage" in 10 CFR 50.71(e)(4) increases, rather than decreases, the regulatory burden. This result is contrary to the intent of the rule.

In the Summary and Analysis of Public Comments accompanying the 10 CFR 50.71(e)(4) rule change (57 FR 39358), the Nuclear Regulatory Commission (NRC) indicated that the final rule did not address multiple-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 this 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". Accordingly, APS interpreted this response regarding UFSAR updates to its most logical application meeting the stated intent – that being the reduction of regulatory burden by submitting single updates to the UFSAR every 18 months consistent with the refueling outage periodicity for each unit. In Reference 1 APS informed the NRC it was preparing updates on this frequency. Based on recent discussions with NRC staff, APS understands that for multiple unit sites sharing a common UFSAR an exemption to this regulation must be requested from the NRC. The requested exemption would allow APS to submit UFSAR updates every 18 months, versus the regulatory requirement of submitting UFSAR updates annually or 6 months after each unit's refueling outage, not to exceed 24 months.

10 CFR 50.12 states that the Commission may grant an exemption from the requirements of the regulations of this part upon application by any interested person, or upon its own initiative, provided certain conditions are met. APS requests this exemption under the provisions of 10 CFR 50.12(a)(2)(ii) and (iii). The application of this regulation is not necessary to achieve the underlying purpose of the rule, which is to assure that the information included in the UFSAR contains the latest material developed. In addition, compliance would result in a significant increase in regulatory and administrative burden in that UFSAR updates would have to be submitted annually or within 6 months of the completion of each refueling outage for each unit. Compliance with this regulation would increase the resources required to prepare revisions, re-publish these substantial documents and to transmit the revision packages to the NRC and other document holders.

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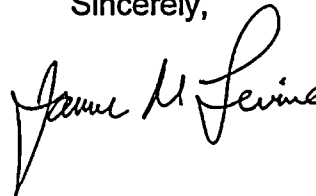
The requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with common defense and security.

Commitments Made in this Letter

This letter does not make any commitments by APS to the NRC.

Please contact Mr. Scott Bauer at (602) 393-5978 if you have any questions or would like additional information regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "James M. Levine".

JML/SAB/RMW/mah

cc: E. W. Merschoff
K. E. Perkins
M. B. Fields
J. H. Moorman



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