

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PUBLIC SERVICE ELECTRIC AND GAS) Docket Nos. 50-272 and 50-311
COMPANY)
)
(Salem Nuclear Generating Station, Unit Nos.)
1 and 2)

EXEMPTION

I.

Public Service Electric and Gas Company (the licensee) is the holder of Facility Operating License Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, respectively. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

This facility consists of two pressurized water reactors located in Salem County, New Jersey.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." The two units at the Salem plant share a common UFSAR, therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

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 the 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 has proposed updating the unified Salem UFSAR 6 months after each Unit 1 refueling outage, provided the interval between successive updates does not exceed 24 months. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "With respect to... multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

The Salem units are on an 18-month fuel cycle. As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the Salem UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within

6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further 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.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Salem UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Salem UFSAR within 6 months after each Salem Unit 1 refueling outage, not to exceed 24 months between successive revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 16764).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 7th day of April, 1999