

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
TEXAS UTILITIES ELECTRIC COMPANY)	Docket Nos. 50-445
)	and 50-446
(Comanche Peak Steam Electric Station, Unit Nos. 1 and 2))	

EXEMPTION

I.

On April 17, 1990, and April 6, 1993, the Commission issued Facility Operating Licenses Nos. NPF-87 and NPF-89 to Texas Utilities Electric Company (the licensee) for Comanche Peak Steam Electric Station, Unit Nos. 1 and 2 (CPSES), respectively. These licenses provided, among other things, that the facilities are subject to all rules, regulations and orders of the Commission.

II.

Section 50.71(e)(3)(i) of Title 10 of the Code of Federal Regulations requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR). The UFSAR is defined as "a revision of the original FSAR [Final Safety Analysis Report] containing those original pages that are still applicable plus new replacement pages." By letter dated October 14, 1993, the licensee requested an exemption from 10 CFR 50.71(e) that would eliminate the requirement to resubmit those original pages of the FSAR that are still applicable when submitting the UFSAR.

The licensee has maintained the FSAR current since the original FSAR submittal in 1978 to the present by issuing amendments to the FSAR, which contain new replacement pages, approximately every three months. The licensee has committed to maintain the FSAR using this process until the issuance of

the UFSAR. The final amendment to the FSAR, containing only replacement pages, would convert the FSAR to the UFSAR. The amendment to convert the FSAR to the UFSAR would be submitted by February 2, 1995.

III.

The staff has reviewed the licensee's request to eliminate the requirement to resubmit original pages to the FSAR that are still applicable with the UFSAR submittal for Comanche Peak Steam Electric Station. The underlying purpose of 10 CFR 50.71(e) is to assure that the Updated Final Safety Analysis Report is updated to contain the latest material developed.

The Comanche Peak Steam Electric Station FSAR is approximately 7,500 to 8,000 pages of text and tables, and 1,500 to 2,000 sheets of figures. As the licensee has maintained the FSAR current by periodic amendments, the vast majority of this material does not require revision and the number of new replacement pages associated with the UFSAR submittal would be relatively small. Thus, the CPSES FSAR meets the intent of 10 CFR 50.71(e) for issuance of the UFSAR because it contains the latest material developed.

Therefore, an exemption is warranted since the licensee has maintained the FSAR in a manner that is consistent with the underlying purpose of issuing the UFSAR in accordance with 10 CFR 50.71(e).

IV.

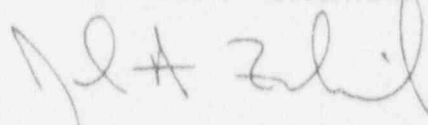
Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special

circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption. The application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule in that the licensee has maintained the Comanche Peak Steam Electric Station FSAR current and has committed to continue to do so in accordance with the rule.

Accordingly, the Commission hereby grants an exemption as described in Section III above from 10 CFR 50.71(e)(3)(i) of 10 CFR Part 50 to not resubmit the original pages of the FSAR that are still applicable when the licensee submits its Updated Final Safety Analysis Report. Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the Exemption will have no significant impact on the environment (59 FR 16246).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Zwolinski, Acting Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 14th day of April 1994