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Ref. # 10CFR50.71(e)  
10CFR50.12

William J. Cahill, Jr.  
Executive Vice President

April 1, 1991

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)  
DOCKET NO. 50-445  
REQUEST FOR SCHEDULAR EXEMPTION TO 10CFR50.71(e)

Gentlemen:

TU Electric requests a schedular exemption from the requirements of 10CFR50.71(e) for the Comanche Peak Steam Electric Station (CPSES) Unit 1. 10CFR50.71(e) requires that within 24 months of the date of issuance of an Operating License, a Licensee shall submit an update of the original Final Safety Analysis Report (FSAR). The Operating License for CPSES Unit 1 was issued on February 8, 1990, therefore, without the requested exemption, the updated FSAR would be due on February 8, 1992. The requested exemption would authorize a delay in submittal of the updated FSAR until two years after the issuance of a license authorizing operation of Unit 2. Unit 2 is currently scheduled to be ready for fuel loading by early 1993.

The requested exemption is authorized by 10CFR50.12, which provides that exemptions may be granted when application of a 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 (10CFR50.12(a)(2)(ii)). The purpose of 10CFR50.71(e) is to provide an updated reference document to be used in recurring safety analyses performed by licensees, the NRC, and other interested parties (45 FR 30614). The information provided in the CPSES FSAR, as currently docketed, is applicable to both units. Accordingly, submittal of a new document for Unit 1 (an updated FSAR) is not necessary to achieve the purpose of 10CFR50.71(e) while the original CPSES FSAR for both units is adequately updated. If an exemption is not granted, TU Electric would be required to submit an entirely new document, an updated FSAR applicable only to Unit 1. TU Electric would also be required to continue to submit amendments to the original CPSES FSAR in support of its application for a license to operate Unit 2. As a result TU Electric would be required to maintain two versions of essentially the same document. This would not provide the NRC with significant additional information, but it would impose a significant burden and expense upon TU Electric. The original CPSES FSAR, if appropriately updated by amendment, will adequately serve that purpose.

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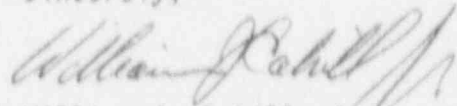
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TU Electric therefore proposes to continue to maintain the original CPSES FSAR as a description of both Units 1 and 2. The FSAR will be updated by periodic amendment during the period that Unit 2 is under construction, thus assuring that the NRC is provided with timely information regarding both units. An updated FSAR per 10CFR50.71(e) for both Unit 1 and Unit 2 will be filed within 24 months of the date of issuance of the operating license for CPSES Unit 2.

Sincerely,



William J. Cahill, Jr.

BSD/grp

c - Mr. R. D. Martin, Region IV  
Resident Inspectors, CPSES (3)  
Mr. Mel Fields, NRR  
Mr. J. W. Clifford, NRR