

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,)	
Units 1 and 2)	

EXEMPTION

I.

The Texas Utilities Electric Company (the licensee) is the holder of Facility Operating License Nos. NPF-87 and NPF-89, which authorize operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

These facilities, consist of two pressurized water reactors located at the licensee's site in Somervell County, Texas.

II.

Title 10 CFR 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two CPSES units share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

III.

10 CFR 50.12(a), "Specific exemptions," states that...

The Commission may, upon application by any interested person, or upon its own initiative, grant exemption 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.

10 CFR 50.12(a)(2)(ii) 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...

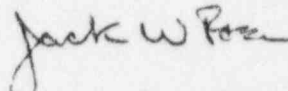
IV.

As noted in the staff's safety evaluation the licensee's proposed schedule for FSAR updates will ensure that the CPSES FSAR will be maintained current within 24 months of the last revision and will not exceed a 24 month interval for submission of the 10 CFR 50.59 design change report. The Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with common defense or security, and is otherwise in the public interest. The Commission has also determined that special circumstances as defined in 10 CFR 50.12(a)(2)(ii). The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the CPSES FSAR within six months of each outage. The licensee will be required to submit updates to the CPSES FSAR once per fuel cycle (based on the unit with the shortest interval between scheduled refueling outages), but not to exceed 24 months from the last submittal.

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 (60 FR 49293). This exemption is effective upon issuance.

Dated at Rockville, Maryland this 25th day of September 1995.

FOR THE NUCLEAR REGULATORY COMMISSION



Jack W. Roe, Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

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FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:

Jack W. Roe, Director
 Division of Reactor Projects III/IV
 Office of Nuclear Reactor Regulation

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