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December 18, 1992

William J. Cahill, Jr.
Group Vice President

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

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)- UNIT 2
DOCKET NO. 50-446
REQUEST FOR EXEMPTION FROM 10CFR70.24(a)

- REF: 1) TU Electric Letter from W. CAHILL Jr., to NRC 10003
TXX-89438 and dated June 3, 1989
- 2) Environmental Assessment and finding of No Significant
Impact for Unit 1 (54 FR 47432), November 1989
- 3) Safety Evaluation Report Related to the Operation of
Comanche Peak Steam Electric Station, Units 1 and 2
(Nureg-0797), Supplement No. 22

Gentlemen:

TU Electric requests an exemption, on the facility operating license for CPSES Unit 2, from the requirement of 10CFR70.24(a) to maintain a criticality alarm system in each area in which special nuclear material is handled, used, or stored. Unit 2 currently has an exemption from the criticality monitoring requirements in Special Nuclear Material License No. SNM-181f. TU Electric requests the exemption remain effective and be incorporated into the facility operating license on conversion of the Unit 2 Construction Permit, CPPR-127, to a Unit 2 facility operating license under 10CFR50.

The exemption is authorized by 10CFR50.12(a), 10CFR70.24(d), and 10CFR70.14(a) which provide that an exemption may be granted if:

- 1) Special circumstances and good cause are present in that implementation of the regulation, at CPSES Unit 2, is not necessary to achieve the underlying purpose of the rule.
- 2) The exemption is authorized by law; it will not present an undue risk to the public health and safety; it is consistent with the common defense and security; and it is in the public interest.

As discussed below, these elements are present in the requested exemption.

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TU Electric's CPSES Unit 1 currently has an exemption from the criticality monitoring requirements of 10CFR70.24. The Unit 1 exemption was granted on the basis that the fuel storage system, the fuel handling system, the administrative controls, and refueling procedures are such that, under both normal and accident conditions and while moving or storing new or spent fuel, sub-criticality is maintained, accidental criticality is precluded, and accidental personnel exposures are thereby prevented.

The CPSES fuel handling system and storage racks are common equipment and the refueling procedures are dual unit procedures. The design and administrative controls applicable to Unit 1 to preclude inadvertent criticality also apply to Unit 2. A criticality monitoring system for Unit 2, like in Unit 1, will not serve the intent of the rule which is to prevent personnel from exposure in the event of accidental criticality.

The Unit 2 exemption request is authorized by 10CFR70.24(d) in that the commission may grant exemptions on a showing of a good cause. The Environmental Assessment and Finding of No Significant Impact for Unit 1 was published in 54 FR 47432 on November 14, 1989. In it the NRC documented its finding of no environmental impacts and no radiological effects associated with the Unit 1 exemption. Unit 2 utilizes the same facilities, systems, and controls as Unit 1 in storing and handling fuel. The Unit 2 exemption will, like Unit 1, not present a risk to the public health and safety.

Approval for exemption of Unit 1 from the criticality monitoring requirements was published in the Safety Evaluation Report related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2 (NUREG-0797), Supplement No. 22. In SSER 22, the NRC determined that the Unit 1 exemption would not endanger the common defense and security and was otherwise in the public interest. The requested Unit 2 exemption like the Unit 1 exemption is consistent with the common defense and security and in the public interest.

Sincerely,


William J. Cahill, Jr.

JDR/

c - Mr. J. L. Milhoan, Region IV
Resident Inspector, CPSES (2)
Mr. B. L. Holian, NRR