

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
STP Nuclear Operating Company)	Docket Nos. 50-498 and 50-499
)	
(South Texas Project Electric)	
Generating Stations)	
Units 1 and 2))	

EXEMPTION

I.

STP Nuclear Operating Company (the licensee) is the holder of Facility Operating License Nos. NPF-76 and NPF-80, for the South Texas Project, Units 1 and 2 (STP). 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.

The facility consists of two pressurized water reactors located in Matagorda County, Texas.

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 FSAR does not exceed 24 months." The STP two-unit site shares a common UFSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after a refueling outage for either unit.

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 underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR 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 FSAR revisions 6 months after refueling outages for its facility, but did not provide for multiple unit facilities sharing a common FSAR in the rule. Rather, the Commission stated that "With respect to... multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

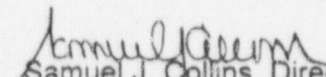
As noted in the staff's Safety Evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the STP UFSAR and Operations Quality Assurance Plan will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Revising the FSAR annually or 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 STP UFSARs within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the STP UFSAR, the Operations Quality Assurance Plan, and the 10 CFR 50.59 safety evaluation summary reports to the NRC no later than 24 calendar months from the previous revision.

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 (63 FR 57144).

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 2nd day of November 1998



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM UPDATED FINAL SAFETY ANALYSIS REPORT

UPDATE REQUIREMENTS OF 10 CFR 50.71(e)(4)

STP NUCLEAR OPERATING COMPANY

SOUTH TEXAS PROJECT, UNITS 1 AND 2 (STP)

DOCKET NOS. 50-498 AND 50-499

1.0 INTRODUCTION

By letter dated June 17, 1998, STP Nuclear Operating Company (STPNOC, the licensee) submitted a request for an exemption from the requirements of 10 CFR 50.71(e)(4), "Maintenance of records, making reports." Section 50.71(e)(4) requires, 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 FSAR does not exceed 24 months." The STP shares a common UFSAR; therefore, this rule requires, literally, the licensee to update the station's UFSAR within 6 months after a refueling outage for either unit.

2.0 EVALUATION

Section 50.71(e)(4) ensures that all licensees update their UFSARs annually or at least every refueling outage and no less frequently than every 2 years. The current rule, as revised in August 31, 1992 (57 FR 39358), was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR 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 FSAR revisions 6 months after refueling outages for its facility, but did not provide for multiple unit facilities sharing a common FSAR in the rule. The burden reduction can only be realized by single-unit facilities or multiple-unit facilities that maintain separate UFSARs for each unit. To address this concern for multi-unit plants, the Commission stated, in response to a comment on the draft revision, that "[w]ith respect to [the] concern about multiple facilities sharing a common [U]FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355).

The licensee's requested exemption would permit periodic submittals of the UFSAR updates, the Operations Quality Assurance Plan updates, and the 10 CFR 50.59 safety evaluation reports to the NRC no later than 24 calendar months from the previous revision. Thus the

requirement that an update be submitted annually or within 6 months of an outage of each unit is no longer retained. With the exemption, the STP UFSAR will be updated and maintained current within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between FSAR revisions specified by 10 CFR 50.71(e)(4). Revising the FSAR 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule.

3.0 CONCLUSION

The staff finds that the alternative proposed by the licensee is acceptable in that revising the FSAR 6 months after refueling outages for each unit is not necessary to achieve the underlying purpose of the rule (10 CFR 50.71(e)(4)), which is to require the FSAR of each station be revised at least once per 24 months.

Principal Contributor: M. Gamberoni

Date: November 2, 1998

November 2, 1998

MEMORANDUM TO: Rules and Directives Branch
 Division of Administrative Services
 Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: SOUTH TEXAS PROJECT ELECTRIC GENERATING STATIONS UNITS 1 & 2

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (five) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: _____

DOCKET NOs. 50-498 & 50-499

Attachment(s): As stated

Contact: T. Alexion
 Telephone: 415-1326

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