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EDISON

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A. Edward Scherer
Manager of
Nuclear Regulatory Affairs

December 18, 1998

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

Gentlemen:

Subject: **Docket Nos. 50-361 and 50-362**
Request for Exemption from 10 CFR 50.71(e)
San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS 2 & 3)

Pursuant to 10 CFR 50.12, "Specific Exemptions," Southern California Edison (SCE) requests an exemption from the specific reporting requirement of 10 CFR 50.71(e)(4) regarding submission of revisions to the San Onofre Nuclear Generating Station Units 2 and 3 Updated Final Safety Analysis Report (UFSAR) following the refueling outages of each unit.

Background Information

On August 31, 1992, the NRC issued a final rule amending 10 CFR 50.71, "Maintenance of Records, Making of Reports," along with several other Part 20 and 50 regulations (57 *Federal Register* 39353), with the goal of reducing the regulatory burden on nuclear licensees. The amended regulation allows licensees to update the UFSAR annually, or in lieu of an annual submission, to provide the required updated information following each refueling outage. Updates to the UFSAR can be submitted 6 months after each refueling outage, provided the interval between successive updates to the UFSAR does not exceed 24 months.

Although 10 CFR 50.71 (e)(4) does not specifically address reporting requirements for multiple facilities that share a common UFSAR, as is the case for SONGS Units 2 and 3, the *Federal Register* notice included the following explanation in response to a petitioner's comment "... in the case of multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." SCE believes that literal compliance with the reporting frequency specified in 10 CFR 50.71 (e)(4) for SONGS, where one common UFSAR is shared by Units 2 and 3, would result in undue regulatory burden.

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Exemption Request

SCE requests an exemption from the reporting frequency requirement of 10 CFR 50.71 (e)(4) regarding the submission of revisions to the UFSAR for Units 2 and 3 following the refueling outage of each unit. Due to the explicit language of 10 CFR 50.71 (e)(4) regarding refueling outages, SCE is requesting this exemption to allow submittal of UFSAR revisions for SONGS Units 2 and 3 within 6 months after completion of each Unit 3 refueling outage. As allowed by 10 CFR 50.59, reports containing a brief description of changes, tests, and experiments, including associated safety evaluation summaries, will be submitted at the same time as revisions to the UFSAR for SONGS Units 2 and 3.

10 CFR 50.71 (e)(4) ensures that the information contained in the UFSAR is accurate and current by requiring that licensees revise their UFSARs annually, or at least every refueling outage, but not less frequently than every 24 months. For multiple unit plants that share a common UFSAR, literal application of the rule has the effect of requiring the licensee to revise the UFSAR after each refueling outage for each unit. The "each refueling outage" requirement increases rather than decreases the regulatory burden on nuclear licensees, which is contrary to the underlying purpose of the revised rule as stated in the *Federal Register*.

This exemption request is consistent with the statement in the Federal Register addressing reporting requirements for multiple facilities that share a common UFSAR. The requested exemption would allow revisions of the SONGS UFSAR to be issued within 6 months after Unit 3 refueling outages, but not less frequently than every 24 months, rather than after each unit's refueling outage.

10 CFR 50.12 authorizes the Commission to grant exemptions from the requirements of the regulations when special circumstances are present. Paragraph (a) of this rule states the special circumstances are present whenever "... (ii) 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; or (iii) Compliance would result in undue hardship or other costs that are significantly in excess of those incurred by other similarly situated..." The requested exemption satisfies these conditions. Further, consistent with 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. SCE therefore believes that a specific exemption for SONGS is justified in this particular circumstance.

In support of this request, SCE notes that several similar exemptions have been granted to other multi-unit licensees.

If you have any additional questions on this subject, please call me.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. A. Sloan", written in a cursive style.

cc: E. W. Merschoff, Regional Administrator, NRC Region IV
J. A. Sloan, NRC Senior Resident Inspector, San Onofre Units 2 & 3
J. W. Clifford, NRC Project Manager, San Onofre Units 2 and 3