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ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Ref 10 CFR 50.12(a)
10 CFR 50.71(e)

Subject: Comanche Peak Nuclear Power Plant (CPNPP)
Docket Nos. 50-445 and 50-446
Request for Exemption from 10 CFR 50.71(e)(4) Final Safety Analysis Update Schedule

Dear Sir or Madam:

In accordance with the requirements of 10 CFR 50.12(a), Vistra Operations Company, LLC. (Vistra OpCo) hereby requests an exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for Comanche Peak Nuclear Plant (CPNPP), Units 1 and 2.

CPNPP Units 1 and 2 share a common UFSAR and currently submit periodic updates to the UFSAR once per fuel cycle (based on the unit with the shortest interval between scheduled refueling outages). With the current fuel cycles, FSAR updates are submitted every 18 months. The requested exemption provided in the enclosure to this letter would allow periodic updates of the CPNPP UFSAR on a specified schedule that does not exceed 24 months between successive updates. Details supporting the 10 CFR 50.12(a) exemption request are provided in the enclosure to this letter.

Vistra OpCo requests approval of this exemption by September 30, 2024.

This communication contains no new commitments regarding CPNPP Units 1 and 2.

Should you have any questions, please contact Nic Boehmisch at (254) 897-5064 or nic.boehmisch@luminant.com.

Sincerely,

Jack C. Hicks

Enclosure: Exemption Request

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1.0 SPECIFIC EXEMPTION REQUEST

In accordance with 10 CFR 50.12(a)(1), Vistra Operations Company LLC, (Vistra OpCo) is requesting approval of a permanent exemption from the requirements of 10 CFR 50.71(e)(4) for submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for Comanche Peak Nuclear Power Plant (CPNPP), Units 1 and 2.

Vistra OpCo requests that the submittal of CPNPP Unit 1 and Unit 2 combined UFSAR be due by July 31 of every odd-numbered year. This change will result in a submittal that does not exceed 24 months between successive updates, as required by 10 CFR 50.71(e)(4). For practical or business reasons, the submittal would occur any time in the month of July on an odd-numbered year.

Vistra OpCo is requesting this exemption be approved by September 30, 2024.

2.0 BASIS FOR EXEMPTION REQUEST

CPNPP is a two-unit site with staggered 18 month refueling cycles. The units share a combined UFSAR. On September 25, 1995, CPNPP was granted an exemption to submit periodic updates to the UFSAR once per fuel cycle (based on the unit with the shortest interval between scheduled refueling outages), (Reference 1). The exemption reduced the original reporting requirement that often resulted in updating the UFSAR more frequently than every 12 months. The proposed schedule change in this exemption request, to submit the updated UFSAR by July 31 of every odd-numbered year, would allow more efficient scheduling and allocation of resources to prepare and submit UFSAR updates while remaining within the maximum allowed 24 months between successive updates. The most recent UFSAR submittal was made on August 1, 2023 (Reference 2), and the next submittal is planned to occur in July 2025.

10 CFR 50.12 "Specific exemptions" states, in part:

- (a) 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. 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.

The proposed exemption can be authorized by law as no other prohibition of law exists that would preclude the activities which would be authorized by the exemption. The CPNPP UFSAR updates will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4). The schedules proposed will remain within the maximum 24 months between successive updates as required by 10 CFR 50.71(e)(4). Therefore, this exemption can be authorized by law.

The UFSAR submittal may be reviewed by the NRC staff but is not formally approved. The material may be used in subsequent reviews of NRC staff activities concerning that facility. Licensees use the UFSAR when evaluating changes to the facility and procedures under 10 CFR 50.59, "Changes, tests and experiments." The proposed exemption will not alter the manner in which changes to the UFSAR are evaluated in that changes to the UFSAR will continue to be reviewed through the existing applicable administrative and programmatic control processes to ensure that UFSAR changes are properly evaluated and implemented. 10 CFR 50.71(e)(4) requires licensees to periodically submit their UFSAR

to assure that the NRC has the latest material developed. In that regulation, the NRC has determined that an update frequency not exceeding 24 months between successive revisions is acceptable for periodic submissions of the UFSAR. The proposed exemption will provide an equivalent level of protection to the existing requirements. Therefore, this exemption request will not present an undue risk to the public health and safety.

The proposed exemption has no impact on the CPNPP physical security plan or the ability to protect special nuclear material at CPNPP. Therefore, the exemption is consistent with the common defense and security.

The underlying purpose of 10 CFR 50.71(e)(4) is to ensure that the licensee periodically updates their UFSAR to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation. 10 CFR 50.71(e)(4) currently specifies a maximum time of 24 months between successive updates and the requirement to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing. The processing and submittal of more frequent revisions to the UFSAR, including all documents incorporated by reference, is not necessary to achieve the underlying purpose of the rule. The routine UFSAR submittals will not exceed the maximum 24 months between submission and the submittals will continue to contain timely updates as required by 10 CFR 50.71(e)(4). Therefore, special circumstances exist as application of the regulation in this circumstance is not necessary to achieve the underlying purpose of the rule.

3.0 ENVIRONMENTAL ASSESSMENT

Vistra OpCo has determined that the requested exemption meets the categorical exclusion provision in 10 CFR 51.22(c)(25), which allows the exemption to be granted provided that the requirements of 10 CFR 51.22(c)(25)(i) through (vi) are met. Vistra OpCo has determined that all the criteria for this categorical exclusion are met. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with this exemption request.

4.0 PRECEDENT

The NRC has previously granted similar exemptions. By letter dated August 4, 2021 (Reference 3), the NRC approved an exemption from specific requirements of 10 CFR 50.71(e)(4) for the Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2; and Vogtle Electric Generating Plant (Vogtle), Units 1 and 2. The exemption allowed periodic updates of the Updated Final Safety Analysis Report (UFSAR) by October 31 of every odd-numbered and even-numbered year respectively, and not to exceed 24-months between successive updates.

5.0 CONCLUSION

Vistra OpCo considers the requested schedule changes for routine submittals of the CPNPP UFSAR an acceptable alternative for meeting the intent of 10 CFR 50.71(e)(4). As demonstrated in this submittal, the requested exemption complies with the criteria in 10 CFR 50.12. Specifically, the requested exemption is allowed by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Special circumstances exist in that the application of the requirements is not necessary to achieve the underlying purpose of the rule. The proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25), therefore, no environmental impact statement or environmental assessment was prepared in connection with this exemption request.

6.0 REFERENCES

1. Letter from U.S. Nuclear Regulatory Commission to C.L. Terry, TU Electric, Exemption to 10 CFR 50.71(E)(4), Comanche Peak Steam Electric Station Units 1 and 2 (TAC NOS. M91140 AND M91141)), dated September 25, 1995 (ADAMS Accession No. ML021790732)
2. Letter from Jay Lloyd, Vistra Operations Company LLC, to U.S. Nuclear Regulatory Commission, Comanche Peak Nuclear Power Plant Transmittal of Electronic Licensing Basis Documents Including Certified FSAR Amendment 112, dated August 1, 2023
3. Letter from U.S. Nuclear Regulatory Commission to C.A. Gayheart, Southern Nuclear Operating Company, Joseph M. Farley Nuclear Plant, Units 1 and 2; and Vogtle Electric Generating Plant, Units 1 and 2 - Exemptions from the Requirements of 10 CFR Part 50, Section 50.71(E)(4), Final Safety Analysis Report Update Schedule (EPID L-2021-LLE-0031), dated August 4, 2021 (ADAMS Accession No. ML21179A204)
4. Federal Register (45 FR 30615), FSAR Update Rule, Addition of Paragraph (e) to 10 CFR 50.71 (reference pages 45 FR 30614 – 30616), dated May 9, 1980