



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

November 15, 1999

Shirley Mitchell, Deputy Director  
Office of Strategic Environmental Analysis  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

SUBJECT: CONCERNS RELATED TO ENVIRONMENTAL ASSESSMENT AND FINDING  
OF NO SIGNIFICANT IMPACTS

Dear Ms. Mitchell:

I am responding to your letter of August 19, 1999, related to the Environmental Assessment and Finding of No Significant Impacts (EA) in consideration of issuance of exemptions to Commonwealth Edison Company (ComEd) for its operating nuclear power plants. The exemptions, which were issued on July 27, 1999, allow ComEd to submit updates to the Final Safety Analysis Report (FSAR) every 24 months as opposed to annually or within 6 months of each unit's refueling outage. You stated in your letter that your Agency is concerned that the extension of the reporting time may be viewed by the public as a reduction in protection from potential emissions and that the EA did not adequately support the conclusion that there would be "no significant increase in occupational or public radiation exposure."

The Updated Final Safety Analysis Report (UFSAR) contains information on the design and performance of systems, structures, and components in the facility. Any changes to this information must be submitted to the Nuclear Regulatory Commission (NRC) at a specified frequency in order to ensure that the NRC has current design information available. However, any changes to the facility that involve an unreviewed safety question must be submitted to the NRC for prior approval in accordance with the NRC's regulations in 10 CFR 50.59. A change would involve an unreviewed safety question if the probability or consequences of an accident or malfunction may be increased, if the possibility of a new type of accident or malfunction may be created, or if the margin of safety is reduced. Therefore, any change which could result in increased emissions from the plant, would be considered an unreviewed safety question and must receive separate, prior approval from the NRC. In addition, the regulations in 10 CFR 50.36a require that licensees submit a report to the Commission annually that specifies the quantity of radionuclides released in effluents. If the quantity is significantly above design objectives, the report must cover this specifically and the Commission may require the licensee to take action as appropriate.

As you noted in your letter, our actions in granting the exemptions could be perceived by the public as a reduction in protection while, in actuality, there will be little effect on how changes are reported. The regulations allow for licensees to submit UFSAR updates within 6 months of a plant's refueling outage. The length of time between refueling outages for a plant may be as long as 24 months and, therefore, a plant could submit updates to the UFSAR every 24 months without an exemption. However, ComEd maintains a common UFSAR for each of its 2-unit sites. Because the units' refueling outages are staggered, the rule would require the licensee to submit updates to the UFSAR every 9 months. This was not the intention of the rule and puts an unnecessary burden on licensees. The exemptions were issued to remove this burden while ensuring that the intent of the rule is met.

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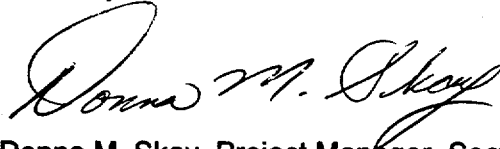
PDR ADOCK

S. Mitchell

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I understand your concern and agree with you that the public's perception must be carefully considered in documents that the NRC issues. I hope this letter clarifies the reason for our granting of the exemptions and addresses your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Skay". The signature is fluid and cursive, with a large loop at the end.

Donna M. Skay, Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,  
STN 50-456, STN 50-457, 50-237,  
50-249, 50-373, 50-374, 50-254, 50-265

cc: See next page

S. Mitchell

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Original signed by:

Donna M. Skay, Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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