



Log # TXX-94170
File # 10010
Ref. # 10CFR50.12
10CFR50.71(e)
10CFR50.54(a)(3)
10CFR50.59(b)(2)

C. Lance Terry
Group Vice President

September 19, 1994

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

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
REQUEST FOR EXEMPTION FROM SCHEDULAR REQUIREMENT OF 10CFR50.71(e)

Gentlemen:

TU Electric requests an exemption from the submittal schedule of the periodic updates to the Final Safety Analysis Report (FSAR) required by 10CFR50.71(e). The regulation requires that periodic updates be provided annually or within six months of completion of each refueling outage but not to exceed 24 months since the last update. The requested exemption would require periodic updates annually or once per fuel cycle (based on the unit with the shortest interval between scheduled refueling outages) but not to exceed 24 months from the last submittal. The requirement that the update be submitted within six months of each outage is not retained.

The requested exemption is authorized by 10CFR50.12, which provides that exemptions may be granted when: 1) the exemption will not present undue risk to the public health and safety, and is consistent with the common defense and security, (10CFR50.12(a)(1)) and, 2) application of a 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 (10CFR50.12(a)(2)(ii)). This exemption request has no affect on public health and safety or on the common defense and security. TU Electric believes that submittal of the FSAR updates within six months of each refueling outage is not necessary to achieve the underlying purpose of 10CFR50.71(e).

In keeping with the January 28, 1992, Presidential memorandum concerning the reduction of regulatory burden, the recent revision to 10CFR50.71(e) was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. Unfortunately, the burden reductions provided in the revised regulation can only be realized by single unit

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facilities, or multiple unit facilities that maintain separate updated FSARs for each unit. For multiple unit facilities with a common updated FSAR, the "each refueling outage" requirement increases rather than decreases the regulatory burden. The authors of the revised rule recognized this concern for multiple unit plants when in response to a petitioner's comment it was stated:

"With respect to petitioner's concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis. This final rule does not address multiple facilities." (FR Volume 57, August 31, 1992, page 3955)

10CFR50.12 provides that exemptions may be granted when "compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated." (10CFR50.12(a)(2)(iii))

The purpose of 10CFR50.71(e) is to ensure that the information contained in the FSAR is accurate and current via periodic updates. The requirement that the update be submitted within six months of the completion of each refueling outage was intended to assure that updates followed soon after periods when major plant modifications are completed (i.e., after refueling outages). This was reasonable for single unit sites. However, for two unit sites having a common FSAR and with alternating refueling outages, linking the submittal of the update to the completion of one unit's refueling outage when the other unit is scheduled for a refueling outage within six to twelve months, is an administrative burden which does not enhance achieving the purpose of the rule. As long as the updates are on a frequency consistent with the interval between refueling outages, the intent of the rule to maintain the FSAR accurate by providing timely updates will be met.

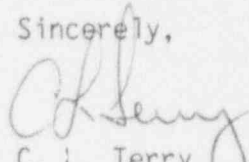
CPSES Units 1 and 2 are currently on 18 month fuel cycles with staggered Spring/Fall refueling outage schedules. Consistent with the flexibility for multiple unit facilities intended by the authors of the recent revision to 10CFR50.71(e), TU Electric proposes to update the FSAR and the 10CFR50.59 Summary Report once per fuel cycle (based on the unit with the shortest interval between scheduled refueling outages), but not to exceed 24 months between updates. With the current fuel cycles, FSAR updates would be submitted every 18 months. If the duration of the fuel cycles for both units increased to 24 months, the FSAR updates would be submitted every 24 months. (Note: the Operations Quality Assurance Plan is incorporated in the CPSES FSAR and, thus, is updated at the same frequency).

The proposed submittal schedule reduces regulatory burden and provides sufficient schedular flexibility to avoid potential resource conflicts (as would occur with two refueling outages in the same year) while providing timely updates which are consistent with the intent of the revised rule.

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TU Electric hereby requests NRC approval of the proposed exemption request. Should you have any questions regarding this request, please contact Bob Dacko at (214) 812-8228.

Sincerely,



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BSD

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