

# CATEGORY 2

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Rules & Directives Review Branch (Post 920323)

SUBJECT: Comment supporting draft guide DG-1083, "Content of UFSAR  
IAW 10CFR50.71(e)."

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DS09

J.A. Bergman

64FR 13833  
March 22, 1999

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102-04279-JML/SAB/RKB

April 29, 1999

Rules and Directives Branch,  
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Washington, DC 20555-0001

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Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)**  
**Units 1, 2, and 3**  
**Docket Nos. STN 50-528/529/530**  
**Comments on Draft Guide DG-1083, "Content of the Updated Final**  
**Safety Analysis Report in Accordance with 10 CFR 50.71(e)"**

Arizona Public Service Company (APS) submits the following comments in response to the Nuclear Regulatory Commission's (NRC) request for comments on Draft Guide DG-1083, "Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e)" (*Fed. Reg.* Vol. 64, No. 54, Page 13833, March 22, 1999).

### General Comments

APS supports the staff's issuance of DG-1083. However, APS believes DG-1083 should fully endorse the Nuclear Energy Institute's (NEI) guidance document NEI 98-03, Revision 0, "Guidelines for Updating Final Safety Analysis Report," dated October 1998, without exceptions or additions. Extensive industry and NRC staff effort was involved in the development of NEI 98-03. The resulting product was a guidance document that accounts for all applicable regulatory requirements and provides clear uniform guidance to the nuclear power industry for updating Final Safety Analysis Reports. APS sees no benefit in making additions or providing expanded guidance, beyond the bounds of existing regulatory requirements, as is proposed by the NRC Staff.

9905170023 990429  
PDR REGGD  
01.070 C PDR

THE UNITED STATES OF AMERICA  
DO hereby certify that  
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## **NRC Staff Proposed Addition to NEI 98-03, Appendix A, Section A2**

In the March 22, 1999 Federal Register Notice, the NRC Staff proposed that the following statement be incorporated into Appendix A of NEI 98-03, most likely as a fourth bullet in Section A2, "Controlling Modifications to the Updated FSAR."

"It is the intent of this guideline to help licensees remove unimportant information from UFSARs such as excessive detail, obsolete information, or redundant information. This guideline is not intended to be used to remove information from UFSARs regarding SSCs that insights from operating experience or probabilistic risk assessments would indicate are risk significant."

Although the NRC emphasizes in the Federal Register that this limitation would be voluntary, it sets a precedent for expanding the scope of the UFSAR. If the staff wishes to establish this requirement, then rule making to 10 CFR 50.34 should be pursued.

### Conclusion

APS believes the guidance given in NEI 98-03, Revision 0, Appendix A, Section A2, "Controlling Modifications to the Updated FSAR" is sufficient as written.

## **DG-1083, Section C.5**

Section C.5, "Information Incorporated by Reference," provides guidance as a clarification to section A4.3 of NEI 98-03. However, this proposed NRC guidance effectively establishes new submittal expectations that are beyond established NRC requirements and guidance. Additionally, these new submittal expectations would exist only in this Regulatory Guide, and not in the typical and more visible locations such as regulations or a licensee's Technical Specifications or UFSAR. If the NRC staff wishes to establish this new requirement, then it would be more appropriate to pursue a rule change to 10 CFR 50.34.

NEI 98-03, Section A4.3 states in part:

Information incorporated by reference must be maintained and updated in accordance with the requirements applicable to the referenced documents. Documents that are not subject to specific updating and reporting requirements should be maintained in accordance with licensee's procedures on site.

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The draft Regulatory Guide DG-1083, Section C.5 states:

Information incorporated by reference into the UFSAR must be provided to the NRC on the licensee's docket (i.e., publicly available) unless there is an explicit NRC requirement that the information is to be maintained on site. Furthermore, information incorporated by reference into the UFSAR is subject to the requirements of 10 CFR 50.71(e) and 10 CFR 50.59 unless separate NRC change control requirements apply (e.g., 10 CFR 50.54(a)).

Examples of documents identified in NEI 98-03 as "incorporated by reference" include the Emergency Plan (E-Plan), Offsite Dose Calculation Manual (ODCM), Fire Protection Plan and Fire Hazards Analysis Report, Technical Requirements Manual (TRM), Security Plan, and Quality Assurance Plan (QA Plan).

The NRC has established submission requirements for specific documents that they have deemed as requiring docketed updates. For example:

<u>Document</u>	<u>Docketed Update Required by:</u>
E-Plan	10 CFR 50.54(q);
ODCM	Plant Technical Specifications;
Security Plan	10 CFR 50.54(p);
QA Program	10 CFR 50.54(a).

The NRC has not previously required APS to docket the TRM. The TRM was established to contain relocated technical specification requirements that were removed from the technical specifications during conversion to the improved standard technical specifications. The NRC Safety Evaluation related to the Palo Verde license amendment approving conversion to the improved technical specifications identified that the TRM would be incorporated into the UFSAR by reference for the purpose of controlling changes to the TRM under 10 CFR 50.59. The NRC Safety Evaluation did not identify any TRM submission requirement. The TRM is a licensee controlled document similar to plant procedures that are described in the UFSAR and controlled under 10 CFR 50.59 but not submitted with the UFSAR updates under 10 CFR 50.71(e).

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U. S. Nuclear Regulatory Commission  
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Conclusion

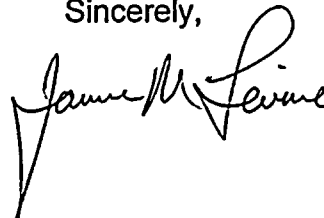
The guidance in Section A4.3 of NEI 98-03 for "information incorporated by reference" is sufficient as written. The proposed clarification in Section C.5 of Draft Guide DG-1083 would create new, unnecessary requirements that have not previously existed. For documents incorporated by reference, other requirements already exist for docketing and updating, where deemed necessary. Any new requirements would be duplicative and/or contradictory to previous NRC guidance and existing requirements.

**Summary**

APS believes that with the extensive effort invested by both the NRC and the industry in the development of NEI 98-03, the guidance set forth in this document is sufficient as written. Any Regulatory Guide issued by the Staff should fully endorse NEI 98-03 without additions or exceptions. The proposed changes to NEI 98-03 and additional guidance in Section C.5 of DG-1083 provide no benefit to the health and safety of the public. The staff's proposed changes and additions only serve to establish new regulatory expectations that have no regulatory basis and create unnecessary administrative burden. Should the staff choose to establish new requirements for documents "incorporated by reference" in licensee's UFSARs or require licensee's to maintain specific information in their UFSARs which is not currently required to be maintained, the staff should pursue rulemaking.

Please contact Mr. Scott Bauer at (602) 393-5978 if you have any questions. This letter does not make any commitments to the NRC.

Sincerely,

A handwritten signature in cursive script, appearing to read "James M. Levine".

JML/SAB/RKB/rkb

cc: E. W. Merschoff  
M. B. Fields  
J. H. Moorman  
A. R. Pietrangelo (NEI)

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