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New York Power Authority

John C. Brons
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December 31, 1987
JPN-87-062
IPN-87-062

U. S. Nuclear Regulatory Commission
Attn. Docketing and Service Branch
Washington, D. C. 20555

Subject: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Indian Point 3 Nuclear Power Plant
Docket No. 50-286
Comments on NRC Proposed Rule on
Record Retention Periods for Records

Reference: 1. FEDERAL REGISTER, Vol. 52, No. 208, dated October 28, 1987 regarding proposed rule on retention periods for records (52 FR 41442).

Dear Sir:

The NRC published a proposed rule on recordkeeping requirements in Reference 1. The New York Power Authority has reviewed the new rule and detailed comments are included as Attachment 1.

The recordkeeping requirements in Title 10 are among the most difficult portions of the Code of Federal Regulations (CFR) to fully comprehend. Spread throughout 10 CFR, the rule uses inconsistent terminology with retention periods that vary in insignificant ways for no apparent reason. A new rule to eliminate this complexity and improve consistency is certainly warranted.

The recently proposed rule falls short of this goal. Despite its attempt to reduce the quantity of records that must be retained, actual reductions are unlikely. The rule does not recognize that microfilm is commonly used for archival record storage. For practical purposes, the destruction of one microfilm record is impossible. While retention periods may have been shortened, they are

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ineffectual in reducing the volume of microfilm records.

The changes proposed do not improve the rule's comprehensibility. Retention requirements are still distributed throughout Title 10. Common requirements must be consolidated and standardized.

Complex administrative controls are still necessary to implement the revised rule. Any benefits of reduced quantity are overshadowed by the administrative effort to implement them. Simply stated, it's easier to archive everything than to determine what should and should not be retained.

The recently published proposed rule is a good first attempt to remedy some of the rule's problems. Despite these changes, the proposed changes are ineffective in reducing record volume and the rule remains inconsistent and complex.

Should you or your staff have any questions concerning these comments, please contact Mr. J. A. Gray, Jr. of my staff.

Very truly yours,

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Attachment No. 1 to JPN-87-062/IPN-87-062

NEW YORK POWER AUTHORITY
James A. FitzPatrick Nuclear Power Plant
Indian Point 3 Nuclear Power Plant

Comments on Proposed Rule for Record Retention Periods as Published in 52 FR 41442, October 28, 1987

1. Reduced Record Quantity

The records retention rule defines "trigger circumstances" for determining how long any one record need be retained. The Authority already maintains a large and diverse record collection in support of its two nuclear power plants. Designing, implementing, and maintaining a system to accommodate the wide variety of trigger circumstances defined in the proposed rule would be complex and not cost effective.

In some cases, these trigger circumstances are external events not evident from the record itself. For example, the "date final action is taken on the matter" may be determinable only after extensive research. The cost of research and the large quantity of records involved precludes anything but cursory research. Another example is "3 years after the information becomes superseded." A record with this type of retention schedule might be a treated as "life of plant" record because superseding material, in many cases, is not issued as a revision to the original report. The number of these "trigger circumstances" should be reduced and they should be standardized using more easily determined criteria.

Like the NRC and many other licensees, the Authority uses microfilm for archival record storage. Microfilming is low in cost and complies with record integrity requirements. Microfilm also provides an economical method for reducing the volume of records and record distribution.

The proposed rule does not seem to consider this common practice. For all intents and purposes, individual microfilm records cannot be destroyed. Destruction is only practical when an entire sheet or roll can be destroyed. The alternative is to defer filming records until the "trigger circumstances" are defined (or occur) and then photograph records with a common destruction date on a single microfilm roll or sheet. This too is impractical. A record, current and active today, could be superseded ten times during the next ten years - or, it might never be revised. Under the proposed rule, the retention period for many records could be as little as 3 years or as long as plant life. To assure compliance with the proposed rule, these records would be

treated as a plant lifetime record and the quantity would not be reduced.

2. Consistent Terminology

Despite attempts to use consistent terminology in the proposed rule, terminology varies in several places. The proposed rule's language regarding "superseded material" and "changes to plans" varies and should be made consistent throughout the multi-part rule. For example, section 70.22(g)(3) of the proposed rule establishes retention requirements for safeguards contingency plans "and each change to the plan." Section 73.26(e)(1) also establishes retention requirements for safeguards contingency plans but does not mention changes to the plan, instead referring to "superseded material."

3. Consolidate Common Requirements

Requirements common to more than one type of record should be stated in only one part of the rule. Other parts should refer to that "generic" part of the rule.

For example, requirements regarding record legibility ("Each record required by this part must be legible throughout the retention period ...") should be stated in one part and referenced everywhere else. This change alone would significantly reduce the complexity of the rule.

4. Consistent Retention Schedules

Although generic records are defined for more than one license type, retention requirements vary by license type. The Authority is unsure if these variations are intentional. Consideration should be given to establishing one retention period for each type of record.

For example, the retention period for safeguards contingency plans varies depending upon whether the special nuclear material is in transit or at a fixed location. (Appendix C to 10 CFR 73 defines the form and content of a safeguards contingency plan for both conditions.) Proposed 10 CFR 73.26(e)(1) specifies a retention period of "three years after close of period licensee possesses special nuclear material" for a safeguards contingency plan while 10 CFR 73.40(b) specifies that the plan be retained "until the Commission terminates the license."

5. Companion Publications

The effectiveness of any changes to reduce the burden of recordkeeping will depend on the quality of the companion publications - Regulatory Guides and NUREGS. These publications must consolidate essential elements of the final rule in a clear, useful form if the final rule is to actually reduce the recordkeeping burden. This is especially true for the records addressed in 10 CFR 50.71(c).

6. Technical Specifications

Supplementary information in the FEDERAL REGISTER notice stated that the proposed rule will "take precedence over and supersede any conflicting requirements in the technical specifications." The notice also described plans to issue guidance on how to amend technical specifications to conform to the proposed rule.

Record retention requirements do not belong in the technical specifications - technical specifications should be oriented towards assuring safe plant operation. The types of recordkeeping addressed in this rule are typically assigned to administrative rather than plant operations personnel. Plant operations personnel have prime responsibility for safe plant operation.

Many recordkeeping requirements are common to all technical specifications. The Authority compared the record retention requirements in technical specifications for its two nuclear plants, and one other power reactor with the NRC's standard technical specifications for boiling water reactors. Approximately eighty-percent of the recordkeeping requirements in these four samples are very similar, if not identical. Record retention requirements common to power reactor technical specifications should be deleted and incorporated in any new proposed record retention rule.

Any technical specification change to be applied to all power reactor licensees should also be incorporated into the NRC's Technical Specification Improvement Program.