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 May 6, 2004 Rules and Directives
 Branch
 USMRC

Chief, Rules and Directives Branch,
 Division of Administrative Services,
 Office of Administration, Mail Stop T-6-D59,
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

4/29/04
 69 FR 23542
 (1)

Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station (PVNGS) Units 1, 2, and 3
 Docket Nos. STN 50-528, 529, and 530
 Comments on Model Safety Evaluation on Technical Specification
 Improvement to Eliminate Requirements to Provide Monthly
 Operating Reports and Occupational Radiation Exposure Reports**

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In the April 29, 2004 Federal Register (69 FR 23542), the NRC requested public comments on a model safety evaluation (SE) on a technical specification (TS) improvement to eliminate requirements to provide monthly operating reports (MORs) and occupational radiation exposure reports (ORERs) using the consolidated line item improvement process. Arizona Public Service Company (APS) is providing the following comments on the model SE.

Comment 1:

APS supports the removal of the two reporting requirements from the TSs because, as pointed out in the model SE, these reporting requirements are not required to be in TSs by 10 CFR 50.36(c)(5) and are not needed for plant safety. The removal of the reporting requirements from TSs will reduce regulatory burden with no reduction in plant safety.

Comment 2:

The model SE states that licensees who request license amendments to remove the MOR requirements from their TSs must make a commitment to provide to the NRC, using an industry database, the operating data (for each calendar month) that is described in Generic Letter 97-02 by the 21st of the month following the end of each calendar quarter.

APS suggests that as an alternative to committing to provide the operating data to the

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Callaway • Comanche Peak • Diablo Canyon • Palo Verde • South Texas Project • Wolf Creek

Sample = ADH-013
E-VIDS = ADH-03
add = W. Reckley (WR)

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NRC, licensees be allowed to commit to placing the reporting criteria in a licensee-controlled document, such as the Updated Final Safety Analysis Report (UFSAR) or the Technical Requirements Manual (TRM). The reporting criteria would then be highly visible to the licensee and to the NRC and, in many cases, more easily accessed as part of the plant's licensing basis documents. The reporting criteria in a licensee controlled document would be controlled under 10 CFR 50.59 instead of the licensee's commitment management program. If desired by the NRC, the model SE could specify that license amendment applications to remove the MOR requirements from TSs include a copy of the proposed licensee-controlled document changes for informational purposes.

Suggested revised Model Safety Evaluation Section 4.1

4.1 Each licensee should either commit to the following reporting criteria, or commit to add the following reporting criteria to a licensee-controlled document such as the Updated Final Safety Analysis Report (UFSAR) or the Technical Requirements Manual (TRM):

Using an industry database (such as the industry's Consolidated Data Entry [CDE] program), provide to the NRC the operating data (for each calendar month) that is described in Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," by the 21st of the month following the end of each calendar quarter. This coincides with the schedule for the submission of performance indicator data associated with the Reactor Oversight Process.

The licensee has made a regulatory commitment [to add to a licensee-controlled document the criteria] to provide the requested operating data via an industry database (i.e., the CDE) by the 21st of the month (coinciding with the schedule for the submission of performance indicator data associated with the Reactor Oversight Process) following each calendar quarter.

No commitments are being made to the NRC by this letter. Should you have any questions, please contact Thomas N. Weber at (623) 393-5764.

Sincerely,

TN Weber... for
SA Bauer

SAB/TNW/GAM/

cc: B. S. Mallett
M. B. Fields
N. L. Salgado

NRC Region IV Regional Administrator
NRC NRR Project Manager
NRC Senior Resident Inspector for PVNGS