

February 28, 2017

Mr. Michael D. Tschiltz, Director  
New Plant Licensing  
Nuclear Generation Division  
Nuclear Energy Institute  
1201 F Street, NW  
Suite 1100  
Washington, DC 20004

SUBJECT: PRELIMINARY COMMENTS ON NUCLEAR ENERGY INSTITUTE 98-03,  
GUIDELINES FOR UPDATING FINAL SAFETY ANALYSIS REPORTS, DRAFT  
REVISION 2

Dear Mr. Tschiltz:

The U.S. Nuclear Regulatory Commission (NRC) received the Nuclear Energy Institute's (NEI's) March 24, 2015 letter, (Agencywide Documents Access Management System (ADAMS) Accession No. ML15089A320) requesting review and comment on NEI 98-03, "Guidelines for Updating Final Safety Analysis Reports," Draft Revision 2 (ADAMS Accession No. ML15089A322). NEI 98-03, Revision 1 provides guidance for updating final safety analysis reports (FSARs) and was endorsed by NRC in Regulatory Guide (RG) 1.181, "Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e)." The primary focus of NEI's Draft Revision 2 is to add guidance related to FSARs as part of licensing activities under Part 52, "Domestic Licensing of Production and Utilization," to Title 10 of the *Code of Federal Regulations* (10 CFR).

On May 10, 2016, staff of the Office of New Reactors (NRO) and the Office of Nuclear Reactor Regulation held a public meeting with NEI concerning the proposed revision (ADAMS Accession No. ML16139A107). The staff has subsequently provided preliminary review of the referenced draft revision and comments are provided in the attached three enclosures. We plan to discuss the staff comments on NEI 98-03, Draft Revision 2, at a meeting to be scheduled in the near future. We look forward to receiving stakeholder input on these comments at that meeting.

We appreciate your effort in developing this initial draft and have identified a number of recommendations, comments and questions relative to licensing activities under 10 CFR Part 52 set forth in Enclosure 1 for your consideration. The referenced document will require significant revision relative to licensing under 10 CFR Part 52 before receiving NRC endorsement. Enclosure 1 should support the development of any future NEI revision that will need to add new information and resolve incongruities. Enclosure 1 should not be interpreted as a simple list of expected corrections.

Any revision to NEI 98-03 also provides an opportunity to reflect needed updates, clarifications, corrections, and additions to the previously endorsed guidance of NEI 98-03, Revision 1. The NRC staff set forth specific revisions in Enclosure 2 via a redline markup of NEI 98-03 Draft Revision 2 that request specific changes in several general areas including:

- Updating outdated references;
- Removing internally inconsistent guidance concerning historical information;
- Clarifying the treatment of commitments in the FSAR;
- Providing recommendations on FSAR format for submittal of updates;
- Adding guidance for considering the need to update the FSAR to reflect third-party information (e.g., Army Corps of Engineers' Reports, National Geologic Survey, etc.);
- Referencing guidance for updating the FSAR to reflect license renewal and decommissioning activities; and,
- Clarifying expectations regarding updating beyond-design-basis information.

The NRC has identified an inconsistency within NEI 98-03, Revision 1 related to the treatment of historical information. It should be noted that historical information, third-party information, and beyond-design-basis discussions may be considered by some as inter-related. The treatment of information added to the design bases coming from implementation of lessons-learned from the accident at the Fukushima Dai-ichi nuclear power plant are intended to be explicitly addressed under the consideration of new information developed by a third-party that could affect the plant. The current guidance for historical information suggests that hydrology and seismic information do not change and therefore no update is ever needed. Enclosure 2 includes a proposed change to clarify that information, such as hydrology and seismic information, is considered historical and does not require an update in the FSAR provided no significant change has been made. These positions reflect the Statement of Consideration (45 FR 30614; May 9, 1980) for 10 CFR 50.71(e) and the associated Generic Letter 81-06, "Periodic Updating of Final Safety Analysis Reports" (ADAMS Accession No. ML031080517).

Enclosure 2 also proposes the addition of a new section addressing the updating of aging management and time limited aging analyses information, which is primarily taken from Regulatory Issue Summary 2007-16, "Implementation of the Requirements of 10 CFR 54.37(b) for Holders of Renewed Licenses," (ADAMS Accession No. ML100250279).

Additional comments on previously endorsed text from NEI 98-03, Revision 1 is set forth in Enclosure 3. NRC is not requesting that these comments be addressed before NEI pursues endorsement. They are provided for your additional consideration only.

As RG 1.181, "Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e)," (ADAMS Accession No. ML992930009) was used to endorse Revision 1, revising RG 1.181 would be an appropriate vehicle for formal endorsement of an acceptable revision in the future.

If you have any questions or concerns, please contact Dr. Barbara Hayes, Project Manager, at 301-415-7442 or via email at [Barbara.Hayes@nrc.gov](mailto:Barbara.Hayes@nrc.gov).

Sincerely,

*/RA/*

Robert Caldwell, Acting Director  
Division of Engineering, Infrastructure and  
Advanced Reactors  
Office of New Reactors

Project No.: 689

Enclosures:

1. NRC Comments on Draft NEI 98-03, Rev. 2 relative to 10 CFR Part 52
2. Redline of NEI 98-03 Draft Rev. 2 with requested edits to sections previously endorsed under NEI 98-03, Rev. 1
3. Additional comments on previously endorsed sections of NEI 98-03, Rev. 1 for NEI consideration

cc: Kati Austgen, NEI  
See next page

PRELIMINARY COMMENTS ON NUCLEAR ENERGY INSTITUTE 98-03, GUIDELINES FOR  
 UPDATING FINAL SAFETY ANALYSIS REPORTS, DRAFT REVISION 2, February XX, 2017

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**ADAMS Accession No. ML16222A424**

**\*VIA EMAIL**

**NRO-002**

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