



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM UPDATED FINAL SAFETY ANALYSIS REPORT

UPDATE REQUIREMENTS OF 10 CFR 50.71(e)(4)

ARIZONA PUBLIC SERVICE COMPANY

PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3

DOCKET NOS. STN 50-528, STN 50-529, AND STN 50-530

1.0 INTRODUCTION

By letter dated June 9, 1998, Arizona Public Service Company (the licensee) submitted a request for an exemption from the requirements of 10 CFR 50.71(e)(4), "Maintenance of records, making of reports," for Palo Verde Nuclear Generating Station (Palo Verde), Units 1, 2, and 3. Section 50.71(e)(4) requires, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." The three Palo Verde units share a common Updated FSAR; therefore, this rule requires, literally, the licensee to update the UFSAR annually or within 6 months after a refueling outage for either unit.

By letter dated December 21, 1998, the licensee supplemented its original request so that the requested exemption to the requirements of 10 CFR 50.71(e) is also applicable to the following:

1. Reporting of changes made to the quality assurance program in accordance with 10 CFR 50.54(a)(3),
2. Reporting of changes, tests, and experiments in accordance with 10 CFR 50.59(b)(2), and,
3. Reporting of changes made to the Technical Specification (TS) Bases in accordance with Section 5.5.14d of the Palo Verde TS.

In addition, the licensee requested that the schedule requirement be changed from the originally requested frequency of 18 months from the previous UFSAR to a 24-month frequency.

2.0 EVALUATION

Section 50.71(e)(4) ensures that all licensees update their FSARs annually or at least every refueling outage and no less frequently than every 2 years. The current rule, as revised on August 31, 1992 (57 FR 39358), was intended to provide some reduction in regulatory burden

9907140038 990708
PDR ADOCK 05000528
P PDR



by limiting the frequency of required updates. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility; but the rule did not provide for multiple unit facilities sharing a common FSAR. The burden reduction can be realized only by single-unit facilities or multiple-unit facilities that maintain separate FSARs for each unit. To address this concern for multi-unit plants, the Commission stated, in response to a comment on the draft revision, that "[w]ith respect to [the] concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355).

The licensee's requested exemption would permit periodic submittals of the UFSAR updates, the quality assurance program updates, and the 10 CFR 50.59 safety evaluation summary report to the NRC no later than 24 calendar months from the previous revision. Thus, the requirement that an update be submitted annually or within 6 months of an outage of each unit is no longer retained. With the exemption, the Palo Verde UFSAR will be updated and maintained current within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between FSAR revisions specified by 10 CFR 50.71(e)(4). Revising the FSAR 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule.

The staff also finds reasonable and acceptable the licensee's proposal to submit the quality assurance program updates and the 50.59 safety evaluation summary report on a 24-month frequency. The quality assurance program has been incorporated into the UFSAR, so updates to this program should be at the same frequency as the updates to the UFSAR. The 50.59 summary report is closely connected to changes made to the UFSAR, and it is reasonable to submit this summary report at the same reporting frequency as the UFSAR updates.

The licensee also requested that the exemption apply to the reports of changes to the TS Bases made in accordance with Section 5.5.14d of the Palo Verde TSs. The staff has concluded that the exemption process is not the appropriate regulatory vehicle for making this change. Instead, the licensee should request an amendment to the Palo Verde TSs in accordance with 10 CFR 50.90 to modify the reporting frequency of changes made to the TS Bases.

3.0 CONCLUSION

The staff finds that the proposed alternative meets the intent of the existing regulations, which requires the FSAR to be revised at least once per 24 months. The staff further finds that the proposed alternative can be extended to the reporting requirements associated with the quality assurance program and the 10 CFR 50.59 safety evaluation summary report. Therefore, the proposed exemption from 10 CFR 50.71(e)(4) for Palo Verde Units 1, 2, and 3 for these reports is considered to be acceptable.

Principal Contributor: M. Fields

Date: July 8, 1999

