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USNRC

Arizona Public Service

PALO VERDE NUCLEAR GENERATING STATION
P.O. BOX 52034 PHOENIX, ARIZONA 85072-2034

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WILLIAM L. STEWART
EXECUTIVE VICE PRESIDENT
NUCLEAR

102-03718-WLS/RAB
June 17, 1996

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN.: Docketing and Service Branch

DOCKET NUMBER
PROPOSED RULE PR 50
(61FR5318) (24)

Dear Sirs:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Comments on Reporting Reliability and Availability Information
for Risk-Significant Systems and Equipment Proposed Rule**

These comments are being submitted by Arizona Public Service Company (APS), on behalf of itself and participants in the Palo Verde Nuclear Generating Station (PVNGS), in response to the request for comments on the proposed rule, "Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment," noticed in the Federal Register dated February 12, 1996 (Vol. 61, No. 29 Federal Register 5318).

In the Regulatory Analysis, the NRC states that the backfit rule does not apply to information collection and reporting requirements. The backfit rule, 10CFR50.109, states in part: "Backfitting is defined as the modification of . . . the procedures or organization required to . . . operate a facility . . . which may result from a new or amended provision in the Commission rules . . ." The Staff estimates that the data collection burden will be 1375 person-hours per year per reactor. This represents more than one half of an employee's time for one year, which is an impact on a licensee's organization required to operate the facility, without a demonstrated "substantial increase in the overall protection of the public health and safety." Contrary to the Staff's position, APS believes that the backfit rule applies to this proposed rule, does not meet requirements, and should not be promulgated.

APS believes that the proposed rule does not contain a demonstrated improvement in plant safety. Since one cannot predict in advance with any confidence the scope, level of detail, or precision of data required to support any future risk-based or performance-based regulatory application, we believe that the proposed rule will not satisfy future needs. Data required to support submittals relying on risk insights will be application specific, and will require submittal of specific data rather than using the data proposed to be provided under the proposed rule. APS

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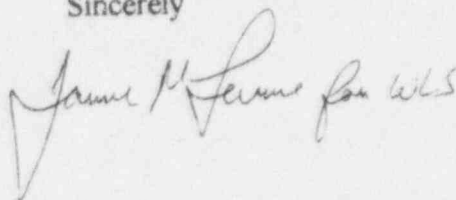
also believes the proposed rule will not reduce the licensee burden for information submitted to support any licensing action, because all information to support such an action would be provided in a stand-alone document.

Another area of concern with the proposed rule is that the data required are duplicative of other data sources available to the NRC to support its activities. The WANO Safety System Performance Indicator (SSPI) program includes much of the data requested under this rule. Licensees already bear a significant burden with regard to record keeping and data reporting. The proposed rule does not eliminate any of the existing data requirements. Therefore, we believe that the additional burden imposed by the proposed rule is unnecessary and not justified.

In summary, APS believes that the proposed rule is unnecessary and should not be promulgated. Additionally, APS supports the Nuclear Energy Institute's comments on behalf of the industry.

We appreciate the opportunity to comment on the proposed rule and the Staff's consideration of our comments.

Sincerely

A handwritten signature in dark ink, appearing to read "James M. Ferrell for WLS". The signature is fluid and cursive, with the first name "James" being the most prominent part.

WLS/RAB/dpr

cc: L. J. Callan
K. E. Perkins
J. W. Clifford
K. E. Johnston
NEI