



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 15, 1998

MEMORANDUM TO: Thomas H. Essig, Acting Chief
Generic Issues and Environmental Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

FROM: Thomas A. Bergman, Senior Project Manager *TA Bergman*
Generic Issues and Environmental Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MEETING HELD ON MAY 27, 1998, WITH NEI TO
DISCUSS STAFF'S PROPOSED GENERIC LETTER AND NEI'S
GUIDANCE REGARDING THE UPDATED FSAR, AND 50.59

On May 27, 1998, the staff held a public meeting with the Nuclear Energy Institute (NEI) at NRC headquarters in Rockville, Maryland. The purpose of this meeting was to address three principal subjects: (1) NEI's planned agenda for its June 4, 1998, briefing of the Commission, (2) reconciliation of NEI's draft guidance document on updated final safety analysis reports ("updated FSARs") dated November 14, 1997 (NEI 98-03) with the staff's proposed generic letter, "Interim Guidance for Updated Final Safety Analysis Reports in Accordance with 10 CFR 50.71(e)," and (3) enforcement discretion with respect to complete and accurate updated FSARs. Attachment 1 lists the meeting participants. Attachment 2 is NEI's briefing slides.

Agenda for June 4, 1998, Commission Briefing

NEI stated that its presentation to the Commission tentatively planned to address five topics: (1) use of acceptance limits in 10 CFR 50.59, (2) meaning of "design bases", (3) enforcement discretion with respect to §50.59, (4) draft updated FSAR guidance, and (5) appropriate scope for §50.59.

Reconciliation of NEI 98-03 and the Proposed Generic Letter

NEI raised seven issues needing clarification or reconciliation between the draft NEI 98-03 and the proposed generic letter: (1) the link between 10 CFR 50.34(b) and §50.71(e), (2) the definitions of design bases and limits on operation, (3) historical information, (4) obsolete and less meaningful information, (5) drawings, (6) extent to which §50.59 changes are addressed in the updated FSAR, and (7) temporary modifications. NEI also requested that the staff provide written comments on the draft NEI 98-03.

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1. Nexus between §50.34(b) and §50.71(e)

NEI questioned the link between §50.34(b) and §50.71(e) as presented in the proposed generic letter. The staff explained the §50.34(b) defines the content of the FSAR, and by extension, the updated FSAR. Section 50.71(e) requires the information in the updated FSAR (as defined by §50.34(b)) to be kept current. Section 50.34(b) also serves to limit the amount of information included in the updated FSAR to that required by §50.34(b), which includes a description of the facility, its design bases and limits on operation, and safety analysis of the structures, systems and components, and facility as a whole.

2. Design Bases and Limits on Operation

NEI requested that guidance be provided on design bases and limits of operation. The staff agreed that such guidance would be beneficial. However, the staff stated that guidance for design bases, which are defined in 10 CFR 50.2 and used throughout the regulations, should have a separate guidance document developed concurrently with guidance on updated FSARs. Limits on operation, which are not defined in §50.2, could be defined in the updated FSAR guidance.

3. Historical Information

Consistent with guidance in the proposed generic letter, NEI proposed to modify NEI 98-03 to only allow the relocation of historical information to appendices and not allow deletion from the updated FSAR. NEI agreed with the position in the proposed generic letter that the relocated information would still be subject to the requirements of §50.71(e) and §50.59.

4. Obsolete and Less Meaningful Information

NEI proposed to modify NEI 98-03 to include a removal process consistent with proposed generic letter. The staff pointed out that the proposed generic letter contained the attributes of an acceptable process, and believed that an industry guidance document would be beneficial if it offered a more detailed process that included specific decision criteria.

5. Drawings

NEI proposed to modify NEI 98-03 to be consistent with the guidance in the proposed generic letter.

6. Incorporating 50.59 Changes into the Updated FSAR

NEI requested that the guidance on incorporating changes pursuant to §50.59 be clarified. NEI stated that the proposed generic letter could be interpreted as requiring a summary of every safety evaluation performed by the licensee in accordance with §50.59 to be included in the updated FSAR. The staff agreed that the proposed generic

letter could be interpreted in that manner, but was not what was intended by that guidance. The staff also agreed that the guidance should be clarified to indicate that each incremental change did not need to be summarized, rather, the updated FSAR should reflect the current facility and provide the justification regarding why the current facility was acceptable.

7. Temporary Modifications

NEI questioned the need to incorporate temporary modifications into the updated FSAR. The staff stated that the guidance in the proposed generic letter did not suggest that all temporary modifications be included in the updated FSAR, but only those for which the licensee: (1) has no established schedule to remove the temporary modification, or (2) intends to keep the temporary modification until after the next periodic update, or (3) does not intend to restore the facility to its condition as described in the current version of the updated FSAR (i.e., a new design will replace the temporary modification). The staff stated that, for licensees with effective temporary modification programs, the guidance should result in inclusion in the updated FSAR only a small subset of the temporary modifications.

Staff Comments on Industry's Draft Updated FSAR Guidance Document

The staff stated that it had intended to provide comments on NEI 98-03 after it was formally submitted and endorsement was requested. The staff discussed its general comments on the guidance. The staff further agreed to make public its comments from a preliminary review of the draft industry guidance on updated FSARs. As a result of NEI's proposal to adopt some of the provisions in the proposed generic letter, many of the staff's comments on the draft guidance will be addressed if NEI makes the changes as described. Therefore, the staff is providing its preliminary comments on the draft guidance as Attachment 3 to this meeting summary.

Enforcement Discretion With Respect to Updated FSARs

NEI stated that implementation period in the proposed generic letter was insufficient for licensees to make their updated FSARs complete and accurate. At the meeting NEI proposed a two year implementation period. The staff stated that the schedule in the proposed generic letter was the staff's recommendation to the Commission and that if NEI had any concerns with this schedule NEI should communicate those concerns, or provide an alternative schedule to the Commission. Any NEI proposal should include intermediate milestones to ensure that licensees were making progress to resolve discrepancies in their updated FSARs.

Attachments: As stated

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Attachments: As stated

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MMarkley

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List of Attendees

| <u>Name</u> | <u>Organization</u> |
|----------------|--------------------------|
| A. Afzali | Scientech |
| F. Akstulewicz | NRC |
| D. Anderson | NSP |
| R. Bell | NEI |
| T. Bergman | NRC |
| B. Brady | Virginia Power |
| C. Brinkman | ABB-CE |
| N. Chapman | Bechtel |
| T. Essig | NRC |
| W. Harnson | STP NOC |
| J. Hegner | Virginia Power |
| B. Holian | NRC |
| S. Magruder | NRC |
| D. Matthews | NRC |
| M. Markley | NRC |
| E. McKenna | NRC |
| W. Reckley | NRC |
| T. Pietrangelo | NEI |
| J. Roe | NRC |
| D. Rosinski | Winston & Strawn |
| G. Tracy | NRC |
| C. Tulley | SNC |
| J. Weil | McGraw-Hill |
| R. Wenzl | NPPD |
| G. Wrubel | Rochester Gas & Electric |



FSAR Update Guidance Reconciliation

NEI Meeting with NRC
May 27, 1998



Agenda

- Outline of June 4 Commission briefing
- Reconciliation of NEI 98-03 with the draft GL
- Enforcement discretion
- Conclusion / Next Steps



Commission Briefing Outline

- Use of acceptance limits
- Design bases interpretation
- 10 CFR 50.59 enforcement discretion
- Draft FSAR update guidance
- Scope of 10 CFR 50.59



3

Focus of UFSAR Updates

- Design bases
- Safety analyses
- Limits on operation
- Contextual description related to above



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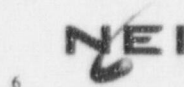
Reconciliation Issues

- SECY-98-087
 - Historical information
 - Obsolete and less meaningful information
 - Drawings



Historical information

- Will modify NEI 98-03 to focus on relocation to appendix vice deletion
- Historical information is information not subject to change or update



Obsolete and Less Meaningful Information

- Includes the following types of information:
 - obsolete
 - redundant
 - excess detail
- NEI 98-03 to be modified to include removal process consistent with draft GL



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Drawings

- NEI 98-03 will be modified per draft Generic Letter
 - When replacing P&IDs and other detailed drawings with schematics, licensees will ensure appropriate information is retained.

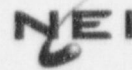


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Enforcement Discretion

- Longer implementation period needed and appropriate
 - no safety urgency
 - information that would be added to UFSARs already exists on docket
 - provide opportunity for Q&A and implementation adjustments
- Based on recent UFSAR upgrade efforts, two years recommended

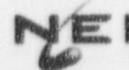
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Conclusion

- Reconciliation underway
- Near term steps
 - Revision of NEI 98-03
 - NRC endorsement in a RG
 - Enforcement Policy revision
- No rulemaking necessary

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**Staff Preliminary Comments on NEI's
Draft Guidance for Updating FSARs (NEI 98-03)**

The following represents the staff's preliminary comments on the guidance document, "Draft Industry Update Guidelines for Final Safety Analysis Reports," attached to a letter from Mr. Anthony R. Pietrangelo of NEI to Mr. Jack W. Roe of the staff dated November 14, 1997. NEI subsequently notified the staff that the guidance document was provided the identifier NEI 98-03 (a reference number used throughout these comments). After incorporating the staff's comments into a revision of this draft guidance, it is the staff's understanding that NEI will submit NEI 98-03 to the staff and request the staff's endorsement of it. At that time, NEI 98-03 will be distributed to appropriate staff for technical and legal review for the purpose of endorsing it in a regulatory guide. The staff recommends that NEI 98-03 be consistent with the guidance in the proposed generic letter, since this guidance has been reviewed by the staff and represents the staff's position on the required content of the updated FSAR.

The staff has both general and specific comments. The comments are numbered sequentially to aid in tracking each comment to closure and to aid future communications by simply referring to the comment number. The comments are presented in the order in which they occur and do not indicate a priority for resolution. Some of the comments below will be resolved if NEI revises NEI 98-03 as indicated during the May 27, 1998, meeting. However, the comments are provided here for completeness.

General Comments

1. Guidance needs additional detail

In general, the guidance lacks sufficient detail to provide a complete understanding of the requirements for the content of an updated FSAR. NEI stated at the May 27, 1998, meeting, that NEI preferred an approach of brief guidance and many examples. The staff understands NEI's position, but the current guidance document relies too heavily on examples. While examples provide a good method to demonstrate how a *specific* situation is affected by requirement, they offer little insight into how a different situation should be addressed. The purpose of the guidance should be to provide sufficient information such that the guidance addresses all potential situations, and to use examples to demonstrate how to implement the guidance in a variety of specific situations as a tutorial aid.

2. Guidance does not address full scope of information required to be in an updated FSAR

The guidance does not fully address the scope of an updated FSAR. The staff's position, as described in the proposed generic letter, is that §50.34(b) defines the scope of an FSAR and, by extension, the scope of an updated FSAR.

3. Guidance should be provided for each subject addressed in the proposed generic letter

Each of the specific topics (e.g., scope, level of detail, drawings) in the proposed generic letter was raised by either a staff, industry, or public concern. At a minimum, NEI 98-03 should address all of these subjects.

4. Guidance focused excessively on §50.59 as the purpose of the updated FSAR

NEI 98-03 currently over-emphasizes the scope of §50.59 as if it were the only purpose of the updated FSAR. While the staff agrees that this is currently an important purpose of the updated FSAR, the updated FSAR also serves as a valuable reference document for the public and the staff. Therefore, the guidance in NEI 98-03 that information should be included or removed from the updated FSAR on the basis of its importance to §50.59 should be deleted.

5. Inclusion of new information in updated FSAR

NEI 98-03 at times appears to take the position that the "effects of" language in §50.71(e) limits changes to those that affect only existing language in the updated FSAR, and may be interpreted to exclude the addition of completely new issues to the updated FSAR. NEI 98-03 should be modified to clearly require the inclusion of new information into the updated FSAR as described in the proposed generic letter.

6. Terminology should be consistent throughout guidance document

NEI 98-03 should use terminology consistent with the update rule. NEI 98-03 uses the acronym "UFSAR" for updated final safety analysis report, although its use is not fully consistent throughout the document; i.e., sometimes it is not used where it should be. The staff recommends that the term "updated FSAR" be used as this is the term used in the update rule and its Supplementary Information. Whatever terminology is ultimately chosen, its use should be consistent throughout the guidance document.

NEI 98-03 also uses the term "plant" instead of the update rule's use of "facility."

7. Do not use "should" when referring to requirements

NEI 98-03 uses "should be" when referring to a requirement. NEI 98-03 must be modified to clearly differentiate between those portions of the guidance that are referring to requirements and those that refer to expectations.

8. Use of Examples

Specific comments have not been provided on the examples in Appendices B through F. In most cases, the current examples lack sufficient detail to evaluate whether the outcome presented in the example is appropriate. The examples should serve as a tutorial. The purpose of each example should be to demonstrate how the guidance is applied to that specific example, and indicate the specific statements in the guidance that determine the

outcome of the example. NEI 98-03 should include examples that conform to this comment, and 9 and 10 below. The staff will review each specific example and the implementation for that example as part of its endorsement review. The combination of more detailed guidance and demonstrative examples could result in a more effective guidance document.

9. Examples should have sufficient detail to understand the situation

The examples need to have sufficient detail to understand the situation, as well as provide relevant information that may limit the applicability of the example to other situations. Currently, the examples tend to state the situation and the outcome, and only provide limited insight into why the outcome occurred. Further, rather than make a statement such as "information was added to the updated FSAR," the examples should explicitly state what information was added and why. It may be worthwhile to consider including some before-and-after updated FSAR pages to augment the examples.

Example 2 of Appendix B demonstrates this concern. This example reads,

10 CFR 50.62 (the ATWS rule) required a new mitigation system be installed that was specific to the type of plant (Westinghouse, Combustion Engineering, etc.). The licensee added new information to the UFSAR based on the evaluation provided by the plant designer. The information was added to the UFSAR section on design basis accidents in a level of detail similar to that of other accident analyses.

This example would benefit from the following additional information (referencing appropriate sections in NEI 98-03):

- The changes needed to be considered for inclusion into the updated FSAR in accordance with §50.71(e) because the ATWS rule was a new Commission requirement.
- The licensee determined that the modifications to the plant affected the following design bases, limits on operations and safety analyses: (example specific). This type of information is required to be included in an updated FSAR.
- The appropriate description of the system or modifications were made as follows: (example specific).
- Before and after pages where possible.

10. Examples should provide appropriate basis for actions.

The basis for the outcome of each example should be linked to the guidance or requirement, and should be appropriate. Some examples of inappropriate bases for actions taken include:

- Example 1 of Appendix D states, "Additionally, Applicable regulatory guidance did not indicate that such a detail should be included." [in the updated FSAR]. Sections 50.34(b) and 50.71(e) define the contents of the updated FSAR, and the fact that specific regulatory guidance on an issue did not state that the issue was to be addressed in the updated FSAR is not a basis to exclude an issue from the updated FSAR.
- Example 5 of Appendix D states, "The pumps are mentioned in the UFSAR, however, because the impeller material is beyond the level of detail discussed in the UFSAR, the UFSAR was not changed." Level of detail alone is an insufficient basis to exclude information from the updated FSAR. Had the new pump impeller material resulted in a change to an operating limit described in the updated FSAR, for example, the operating limit would need to be revised to reflect the change, and a description of the impeller considered for inclusion as well.
- Example 3 of Appendix F states, "This licensee typically documents this type of generic issue in engineering documents, reports their completion and considers the results subject to NRC inspection." The licensee's methods for addressing generic issues does not substitute for the updated FSAR. If an issue is required to be addressed in an updated FSAR, it must be incorporated, regardless of whatever other documentation the licensee may maintain.
- Example 3 of Appendix F further states, "If the results of the analysis do not impact any analysis conclusions in the UFSAR, the analysis results are not added to the UFSAR." The fact that an analysis does not affect existing analyses is not a sufficient basis for excluding information from the updated FSAR. If, as a result of the testing, the licensee made modifications to the valves or their operation such that new or changed design bases, limits on operation, or description of the valves resulted, then the new or changed information, and supporting analyses, would need to be incorporated into the updated FSAR.

Specific Comments

11. Page 1 Background, 4th paragraph.

"UFSARs have generally not grown much beyond the size of the original FSAR. This is consistent with FSAR update rule which did not require that updates be of greater detail than the original FSAR."

This guidance could potentially mislead licensees that updated FSARs should not address new issues, nor does it precisely characterize the language in the Supplementary Information for the update rule, which states, "The level of detail to be maintained in the updated FSAR should be at least the same as originally provided." The staff's position is that the phrase "at least the same as" is equivalent to "greater than or equal to" or "no less than." Hence, this statement does not constrain the updated FSAR to address new issues nor to address issues in greater

detail than the original FSAR, but rather intends that licensees are not to diminish the level of detail from that originally provided.

Second, NEI 98-03 appears to confound level of detail and scope. The staff's position as described in the proposed generic letter is that level of detail refers to the amount of discussion of a specific issue, and scope refers to the number of issues addressed. The proposed generic letter thus provides guidance that all updated FSARs should have the same scope, excepting for design differences, but could have different levels of detail as indicated in the Supplementary Information. The allowance for different levels of detail was simply because the update rule did not impose a standard level of detail (e.g., to meet Regulatory Guide 1.70, Revision 3).

Therefore, as a result of new issues identified since the original FSAR was issued, the updated FSARs may, in general, increase in size with time as a result of addressing the new issues and modifying existing information in the updated FSAR at a level of detail at least that of the original FSAR.

12. Page 2, Implementation.

"In conducting ongoing FSAR reviews, the first priority of licensees should be on assuring the accuracy of design bases and other safety significant information. It is expected that NRC inspection and enforcement of UFSAR compliance will be similarly focused on safety significance information."

Although the staff agrees with the principle to update design bases and other safety significant information on a priority basis, this approach would only appear to be applicable during the current enforcement discretion period. Thereafter, the updates must occur at the frequency required by 50.71(e), *regardless of the information's safety significance*. Therefore, NEI 98-03, which is to be a permanent guidance document, should either note the temporary nature of this guidance or delete it (recommended).

In addition, expectations concerning inspection and enforcement activities are more appropriate in inspection and enforcement guidance rather than in an industry guideline. The second sentence should be deleted.

13. Table 1, Item 1, 1st Guidance Bullet.

"Through the update process, UFSAR information should be maintained accurate and up to date, including changes, additions or deletions to the descriptions, design bases and safety analyses relied upon by the NRC for initial licensing. Both general and specific descriptions should be consistent with the current plant configuration and operation."

This is an incomplete description of the full information required to be included in an FSAR pursuant to §50.34(b). For example, §50.34(b) requires that the limits on operation be included, as well as a safety analysis of the structures, systems, components and of the facility as a whole. Section 50.34(b) also identifies other information that must be included such as

managerial/operational information. Guidance similar to that in the proposed generic letter should be substituted for the existing guidance in NEI 98-03.

Second, §50.71(e) is not limited to that information "relied upon by the NRC for initial licensing." Section 50.71(e) also incorporates new information (appropriate for inclusion in an updated FSAR such as new descriptive, design bases or limits or operations, or new safety analyses) into the updated FSAR as a result of analyses submitted to the Commission or performed by or on behalf of the licensee as a result of Commission requirements or requests.

14. Page 3, Table 1, Item 2, Guidance

"UFSARs should be updated to reflect plant changes resulting from new or amended regulations, e.g., Appendix R, Station Blackout and ATWS, or plant-specific orders. In response to such new requirements, it may be appropriate to add certain new information to UFSARs consistent with the purpose of the UFSAR to provide a reference document for use in recurring safety analyses. The following types of information may be of potential significance in evaluating future changes under §50.59 and should be considered for incorporation in the UFSAR:

- new design bases as defined in §50.2*
- description of safety function(s)*
- summary of relevant safety analyses including specific operational actions credited*

Note that certain new regulations of a programmatic nature, e.g., the Maintenance and Fitness for Duty Rules, do not result in information that is significant to §50.59 evaluations. Accordingly, it is not necessary to address licensee actions responding to regulations of this type in UFSARs."

The guidance implies that only plant changes need to be updated. Section 50.71(e) contains no such restriction, and can include other changes such as due to analyses or organization.

The guidance is also overly focused on §50.59 as the purpose for the updated FSAR. While the staff recognizes that the updated FSAR currently defines the scope of 50.59, the updated FSAR does not exist solely for that purpose. The guidance implies that only information relevant to §50.59 must be updated. Section 50.71(e) is broader, it requires all information that is changed (or new information added) as a result of analyses submitted by the licensee, or pursuant to Commission requirement or request be updated.

As noted previously, the updated FSAR is also to include operating limits.

The updated FSAR is not limited to "description of safety function(s)"; the safety functions are a subset of the description of the facility (and aid in understanding the safety analyses and design bases). It is unclear what "relevant" means; if it means all analyses required by §50.34(b) and §50.71(e) then relevant is appropriate but should be clarified by an explicit statement.

In general, the staff agrees that programmatic-type rules would not result in new information to be included in the updated FSAR, except if the new rule explicitly required such an inclusion. However, the staff disagrees with the basis provided; it is not because they do not include information relevant to §50.59, it is because they have not met one of the conditions in either §50.71(e) or §50.34(b), or the originating requirement did not require any information to be incorporated. The staff is aware of licensees that have incorporated programmatic-type rules into the updated FSAR to the extent that the licensee's commitment to a particular regulatory guide may be stated (if the licensee so commits as at least one has done for the maintenance rule).

15. Page 4, Table 1, Item 3, 2nd Guidance Bullet

"If the UFSAR is unaffected by a change, e.g., because the change involved a level of detail beyond the existing UFSAR level of detail for affected equipment or procedures described, no change to the UFSAR is required."

The meaning of this part of the guidance is unclear because of the combining of "level of detail" and "scope" within "level of detail" in NEI 98-03. The concern here is that this guidance could be misinterpreted to exclude adding new or additional information that occurs as a result of a change.

16. Page 4, Table 1, Item 4, Guidance

- *If the UFSAR information is affected by safety evaluations performed in support of license amendments or §50.59 changes, e.g., due to use of new assumptions or analyses, the UFSAR should be updated to reflect the effects of the safety evaluation.*
- *If the UFSAR is unaffected by a safety evaluation, e.g., for a change to a procedure not described in the UFSAR, no change to the UFSAR is required.*

This guidance should be clarified to indicate that some changes will result in additional information (i.e., "new" means both changed and "additional") and that changed or additional information other than assumptions and analyses may occur (the description, operating limits, or design bases). Since NEI 98-03 seems to emphasize the "effects of" language in §50.71(e) as meaning only if it changes existing information in the updated FSAR, NEI 98-03 should incorporate guidance that clearly demonstrates that the effect of a new analysis or requirement could be the inclusion of completely new information that does not change any existing information in the updated FSAR.

17. Page 5, Table 1, Item 5, 2nd Guidance Bullet

"To the extent UFSARs are supplemented to reflect actions taken in response to a new issue, the new information added to the UFSAR should be consistent with the purpose of the UFSAR to provide a reference document for use in recurring safety analyses. The

following types of information may be of potential significance in evaluating future changes under §50.59 and should be considered for incorporation in the UFSAR:

- new design bases as defined in §50.2
- description of safety function(s)
- summary of relevant safety analyses, including specific operational actions credited"

Similar to previous comments, this guidance over-emphasizes use in §50.59 to the exclusion of other uses, and is an incomplete description of the information required in an updated FSAR.

18. Page 5, Table 1, Item 5, 3rd Bullet

"If a new issue does not require action by a particular licensee or if the licensee analysis or action does not affect information described in the updated FSAR, then no change to the updated FSAR is required"

The intent of this guidance is unclear and appears to contradict the guidance in the bullet that immediately precedes it. Also, this guidance refers to "required" actions only and does not include changes or additions to the updated FSAR as a result of Commission "requests."

19. Page 5, Table 1, Item 6, 1st Bullet

"Whenever possible, UFSAR changes should be incorporated in the existing text, tables or figures to maximize clarity and ensure that all the needed corrections are made. If the subject of the evaluation or analysis has not been previously addressed in the UFSAR, the new information may be appropriately located in a new section or an appendix of the UFSAR."

This appears to be an acceptable approach. However, this thought (of adding new issues) does not come out throughout the document, and may appear to be internally inconsistent with the current language elsewhere in NEI 98-03.

20. Page 5, Table 1, Item 6, 2nd Bullet

"Information that is appropriate to include in the UFSAR and is part of a separate controlling document may be incorporated in the UFSAR by appropriate reference to that information. Later updates should reference the current revision of the controlling document."

The staff agrees that material may be incorporated by reference. Guidance should clearly state that material incorporated by reference is subject to §50.71(e) and §50.59 (except for those portions controlled separately by §50.54). The guidance should distinguish between material incorporated by reference, and material referenced in the updated FSAR.

21. Page 6. "Level of Detail for UFSAR Updates"

Guidance should be provided on level of detail associated with changes pursuant to 50.59 consistent with statements in the Supplementary Information.

22. Page 6. Format of UFSAR Updates

"NRC regulations do not address the format of the FSAR or the updates required by 10 CFR 50.71(e). However, consistent with the Statements of Consideration for the FSAR update rule, the format for UFSAR updates is expected to be consistent with that of the original FSAR. Licensees may adopt the format of Regulatory Guide 1.70 at their own discretion."

This guidance is acceptable, however, the proposed generic letter provides greater flexibility. In addition, later guidance in NEI 98-03 contradicts the guidance here in that it allows changes in the format (by relocating historical information).

23. Page 6. Temporary Changes

NEI 98-03 states that temporary changes are not to be incorporated into the updated FSAR unless they become permanent or cause other permanent plant changes to occur.

The approach in the proposed generic letter, which would include temporary modifications in the facility under certain circumstances, should be adopted.

24. Page 7. Paragraph Preceding Subitem 1. Obsolete and Less Meaningful Information

"Removal of UFSAR material must be administratively controlled. Deleted material and the basis for its deletion from the UFSAR must be retained by licensees."

As proposed by NEI during the May 27, 1998, meeting with the staff, NEI 98-03 should adopt additional measures in the proposed generic letter, including that the documented basis for information be provided to the NRC as part of the periodic updates.

25. Pages 7-8. Obsolete and Less Meaningful Information

"Deletion of obsolete or redundant information is consistent with the purpose of the UFSAR to provide a reference document for use in recurring safety analyses (e.g., §50.59 safety evaluations) and the intent that UFSARs focus on information that has continuing safety or regulatory significance."

The following types of obsolete or redundant information may be deleted from UFSARs:

- Information relevant to SSCs, programs or organizations that are no longer in use or no longer exist (e.g., Construction Quality Assurance Program).

- *Information that is redundant to that found elsewhere in the UFSAR.*

Note: When deleting duplicate information from one or more locations, it may be appropriate to provide a reference to the UFSAR section where the information is retained.

- *Information that is duplicative to that contained in a controlling program document or technical report such as the Emergency Plan, Offsite Dose Calculation Manual, Security Plan, Quality Assurance Plan, and Environmental Protection Plan.*

Note: It may be appropriate to replace the deleted material with a brief summary of key information and/or specific reference to the information in the controlling document.

Neither the rule nor its Supplementary Information state that it is the intent of the updated FSAR to focus on information that has "continuing safety or regulatory significance." Note that the guidance here in NEI 98-03 would support an argument to incorporate into the updated FSAR descriptions of programs such as the maintenance rule and fitness for duty rule since the original FSARs included descriptions of programs of "regulatory significance" at the time of application for current licensees (and these rules have "regulatory significance" today).

Section 50.34(b) requires certain specific programs (initial test program) to be incorporated. In addition, the specific example cited in NEI 98-03, construction quality assurance program, would have been incorporated in the FSAR under 50.34(b)(5) or 50.34(b)(6)(ii). Therefore, in the absence of rulemaking to explicitly allow removal of these programs, it is prohibited to do so. The other "obsolete" information is undefined, it may be that the proposed generic letter's language on "Treatment of FSAR Information Related to Removal of or Retirement-in-Place of SSCs" would suffice.

The guidance in the third bullet appears appropriate to the extent that the material incorporated by reference remains under the control of §50.71(e) and §50.59, or some other controlling regulation such as §50.54. The guidance should be clarified by explicitly so stating.

26. Page 8, Historical Material

NEI 98-03 currently allows licensees to remove historical material from the updated FSAR.

NEI 98-03 should adopt the guidance in the proposed generic letter for historical information, which allows historical information to be relocated to appendices within the updated FSAR. These appendices would still be subject to the requirements of §50.71(e) and §50.59.

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