

Questions and Answers on FSAR Updates and NEI 98-03 - June 1999

1. Would replacement of UFSAR text outlining, summarizing or completely describing a specific procedure with a reference to the procedure require that (a) the procedure be submitted to NRC and (b) the procedure become part of the UFSAR, i.e., “incorporated by reference”?

Generally no. The procedure would need to be “incorporated by reference” only if the details of the procedure are important to providing an understanding of the plant’s design and operation from either a general or system functional perspective. As a rule, plant procedures are usually much more detailed than descriptions appropriate for the UFSAR. A general reference to the procedure for information does not require it be submitted to NRC or cause it to become part of the UFSAR.

2. There have been cases where licensees have had to expend substantial resources to address questions raised by NRC inspectors concerning discrepancies between nominal values in the UFSAR and actual plant conditions. What can licensees do to address the issue of nominal values?
 - *Confirm that references in UFSARs to “nominal” values are clear and appropriate, e.g., “nominal” values are generally not appropriate for specifying 10 CFR 50.2 design bases*
 - *Consider noting in Chapter 1 of UFSAR that numerical values in the UFSAR may be nominal in nature, provided to give the reader a sense for the value of the parameter and should not be viewed as actual values observable in the field. Plant operation at values other than that presented in the UFSAR is acceptable provided that actual values are within established technical specification, design bases and administrative limits.*

Because “all” statements can be problematic, what if anything are licensees doing to address/clarify global statements such as “all valves in system XYZ are maintained in accordance with PDQ procedure” or “all instrumentation needed by operators for responding to this event is available in the main control room.”

Many licensees are searching for such global statements and reviewing each for accuracy. Where necessary, “all” statements are being eliminated or clarified.

1. Under Section 6 of Appendix A, is it necessary to identify to the NRC when UFSAR information is reformatted or when text is simplified (while retaining the substance of the information)?

No, because these types of modifications do not reduce the information/ understanding provided by the UFSAR. However, UFSAR pages affected by these and similar modifications should be submitted with the next required UFSAR update along with other changed pages.

1. How does 10 CFR 50.34(b), *Contents of Applications*, apply to operating plants? For example, will licensees be expected to assess and potentially supplement the 10 CFR 50.2 design bases presented in the original FSAR based on the outcome of current design basis interactions?

No. Granting of the Operating License constituted tacit NRC acceptance of the content of the original FSAR and compliance with 10 CFR 50.34(b). (Of course, licensees are expected to resolve errors that may be discovered in original FSAR information.) The purpose of current interactions on 10 CFR 50.2 design bases is to support required update of FSARs to reflect new or modified information developed since initial licensing. There is no requirement to add detail to the original design bases found acceptable by the NRC in connection with initial licensing. Violations, if any, relating to the content of updated FSARs would be expected to be cited against 10 CFR 50.71(e).

2. What is meant by this guidance in the Appendix A, Section 4.1, *Removing Excessively Detailed Text*: “The following types of excessively detailed textual information may be removed from UFSARs, except as indicated by applicable regulatory guidance or NRC Safety Evaluation Reports.”

If a regulatory guide to which the licensee is committed specifies that particular information should be in the UFSAR, that information should not be removed. Similarly, if an NRC SER explicitly identifies and relies upon specific information in the UFSAR, that information should not be removed.

3. What should I do if the schedule for restoring a temporary mod to the normal plant condition described in the UFSAR is extended due to unforeseen circumstances beyond the next required UFSAR update cycle?

Document the delay and reflect the completion of the activity in the next UFSAR update.

4. If detailed drawings that are currently in the UFSAR are not replaced with simplified drawings, and plant modifications are made that impact the level of detail on the drawing, but not that of the text, would the UFSAR drawing require revision?

Yes, because the modifications have caused UFSAR information (in the detailed drawing) to be inaccurate.

5. The original FSAR contained many charts and plots of analysis results in Chapter 15. Following a reload, some of these analyses results may change, however, the original plots and charts submitted to support initial licensing may not have been redone. Is it the intent of the update rule that these plots and charts be updated in order to maintain the level of detail of the original FSAR?

No. Changes to Chapter 15 safety analyses resulting from reload analyses should be reflected in UFSARs. However, inclusion of plots and charts of this information is a formatting and presentation consideration at the discretion of the licensee. Outdated plots and charts containing obsolete information should either be marked as historical, removed from UFSARs, or updated to reflect current analyses.

6. What about information that meets the definition of historical but has nonetheless been updated by licensees over the years?

Such information need not be further updated.

7. What is the status of Q&A between the NRC and licensees concerning the initial license application and supplements thereto and leading to the OL? Are the Q&A considered part of the UFSAR or not? Is this information typically reviewed as part of 10 CFR 50.59 evaluations, commitment changes and other licensing actions? Are they treated as commitments to NRC? Are they considered reference (historical) material only on the basis that the UFSAR incorporates the licensee responses and amplifications, as appropriate?

The Q&A that were submitted to the NRC during review of the initial license application remain in the docket file. Per the Questions and Responses (Q&R) Concerning the Update Rule provided in GL 80-110 and GL 81-06, the responses should have been appropriately incorporated in the "body" of the updated FSAR. It would be expected that the level of detail used when including the responses in the FSAR would not exceed the level of detail for information that was typically included in the FSAR at that time. Some responses may not warrant incorporation in the FSAR at all, e.g., where a response provided additional information to justify the adequacy of the FSAR as written.

While licensee practices may vary with respect to consideration of Q&R as part of 10 CFR 50.59 evaluations, the Q&R are not considered part of the UFSAR and are therefore not within the scope of 10 CFR 50.59. To the extent responses are incorporated in the body of the UFSAR or as a separate volume, the information is subject to 10 CFR 50.59.

Commitments made in the responses, regardless of whether they were incorporated in the FSAR, remain commitments in the docket file unless the licensee has taken appropriate actions to revise or remove them.

Because the Q&R are not considered part of the UFSAR, they are not "historical information" as that term is used in NEI 98-03. Q&R information incorporated into the body of the FSAR would be considered historical only if it meets the guidelines for historical information provided in NEI 98-03.

When updating the FSAR, if you find a discrepancy between the FSAR and an SER received from the NRC, is the SER information considered the Licensing Basis and required to be incorporated into the FSAR?

It depends. The SER was an attempt to capture and discuss what the NRC perceived as the Design and Licensing Basis for the plant and their conclusions on why the plant is safe to operate. The actual Licensing and Design Basis originate from other regulations and source documents, not the SER. Therefore, to determine the true Design and Licensing Basis in the case of a discrepancy, further research is warranted to determine what is required by the regulations for your plant and what your plant specific submittals committed you to. If it is determined the SER is in error, this should be brought to the NRC's attention.

1. If equipment has been retired-in-place, and a 10 CFR 50.59 evaluation exists that shows that abandoning the equipment does not affect any safety-related SSCs, is it OK to delete the abandoned equipment from the drawing?
Yes, however, the line to the abandoned equipment should be retained on the drawing with a note identifying that equipment has been retired-in-place.

2. 10 CFR 50.71(e) states that the UFSAR must be retained by the licensee for the life of the plant. Does this mean that only the single, latest version of the UFSAR is to be maintained, or that all periodic UFSAR submittals must be retained?

Only the single, latest version of the UFSAR must be maintained.

3. Does removal of excess detail and simplification of UFSAR information per NEI 98-03—actions that are allowable without evaluation under 10 CFR 50.59—constitute a change to the licensing basis of the plant? Is such removal/ simplification considered an acceptable reduction in the licensing basis, or was excessively detailed information never considered part of the licensing basis in the first place?

Removal of excess detail and simplification of UFSAR information per NEI 98-03 does not constitute a reduction in the information comprising the CLB. The NRC has acknowledged that UFSARs may contain more information than was necessary to provide a basis for licensing and safety reviews. To improve the focus, clarity and maintainability of the UFSAR, licensees may simplify or remove excessive UFSAR information provided that 10 CFR 50.2 design bases, safety analyses and associated UFSAR description is retained. Removal of excessive detail does not affect the essential content of the UFSAR information and therefore does not alter or reduce the current licensing basis for the plant.

4. What can be done to simplify the update of detailed UFSAR drawings that are essentially the same as separate drawings controlled by the licensee?

UFSARs contain a large number of detailed drawings that are essentially identical to drawings separately controlled by the licensee. To simplify the maintenance of controlled drawings that the licensee intends to retain as part of the UFSAR (see Section A4.2), licensees may wish to relocate such drawings to a separate volume of the UFSAR and provide appropriate reference to the "latest revision" of these drawings at each of their former UFSAR locations as appropriate. Relocation of drawings to a separate UFSAR volume does not alter the status of the drawing as part of the UFSAR, but may simplify the UFSAR update process with respect to these drawings. For each UFSAR update, licensees

would compile the latest version of all controlled drawings incorporated by reference in the UFSAR and could either include this entire volume with the update submitted to the NRC or submit only the drawings revised since the last submittal.

1. Under the NEI 98-03 definition of “historical information,” what is meant by the first bullet, “information that was accurate at the time the plant was originally licensed, but is not intended or expected to be updated for the life of the plant.”

This bullet includes FSAR information related to a physical milestone or chronological event that has been completed and is non-recurring. Several key examples include the Pre-operational and Startup Testing Program descriptions, the Construction Quality Assurance Plan, and descriptions of original fabrication and vendor testing of SSCs.

2. Under the NEI-98-03 definition of “historical information,” what is meant by the second bullet, “information that is not affected by changes to the plant or its operation.”

This bullet includes information that it is not the responsibility of the licensee to control or influence under the 10CFR50.59 regulation. This includes: a) changes to the local population and industrial infrastructure, b) changes in the meteorology, seismicity, or hydrology of the site, c) changes to information provided on sister plants or references made to docketed information of other plants. Note that although such information is historical, updating might still be necessary over time to address a significant change in the site environs or in response to a new NRC requirement or requested analysis of new safety issue.

Q&A on 10 CFR 50.59 Applicability to UFSAR Changes

1. If a change is initiated to clarify (not remove) information in the UFSAR (e.g. design bases), is evaluation under 10 CFR 50.59 required?

The UFSAR is neither the facility nor a procedure as these terms are used in 10 CFR 50.59. Thus, in the absence of a change to the physical plant or procedures described in the UFSAR, the licensee may clarify (e.g., elaborate, reorganize, simplify) UFSAR information without performing a 10 CFR 50.59 evaluation provided there is no change in the described system function. This is consistent with the NEI 96-07 guidance on inconsequential changes. If clarifications involve incorporation of substantive new information that has not been previously provided to the NRC, evaluation under 10 CFR 50.59 may be appropriate.

2. Suppose a 10 CFR 50.59 evaluation is performed to support a change to the UFSAR and 10 CFR 50.59 report has been submitted to the NRC. Later, it is determined that the change was inappropriate. Is it acceptable to restore the UFSAR to its previous wording without an additional 10 CFR 50.59 evaluation?

Yes, the restoration of the previous factual information may be made without a new 10 CFR 50.59 evaluation. However, the retracted information should be thoroughly evaluated to ensure it has not been used as the basis for other actions.

3. Does the correction of inconsistent or conflicting information within the UFSAR itself, or between the UFSAR and another licensing basis document that has been previously reviewed and accepted by the NRC, require a 10CFR50.59 evaluation to be performed?

In general, a 10 CFR 50.59 evaluation is not required provided it is evident which information is correct based on the actual plant design, configuration, and operation. Consistent with NEI 96-07, resolution of conflicting information can be processed as an “inconsequential” change. An additional consideration is that there is reasonable assurance (see Q&A 20) that an NRC licensing decision was not based on the information to be removed or corrected.

A de facto change as described in the Enforcement Guidance Manual is a UFSAR inaccuracy based on a non-conformance with the as-built plant (or as-built procedures) for which no 10 CFR 50.59 evaluation had ever been performed, and there is no indication of prior NRC approval. Describe the relationship between “de facto” changes and 10 CFR 50.59 evaluations when resolving discrepancies between the UFSAR and actual plant conditions.

- a) *For de facto changes introduced via licensed activities after receipt of the Operating License: Generally, the non-conformance is addressed via the plant’s 10 CFR 50, Appendix B, corrective action program. If the decision is made to restore the physical plant or procedure to conformance with the UFSAR, no 10 CFR 50.59 evaluation is required. If the UFSAR is going to be conformed to the as-built condition, a 10 CFR 50.59 evaluation is generally required for de facto changes that occur after receipt of the Operating License. The significance of the non-conformance developing after receipt of the Operating License is that 10 CFR 50.59 does not apply to Facility/Procedure changes made during construction.*
- b) *For de facto changes that preceded receipt of the Operating License (either through an original FSAR inaccuracy or facility/procedure change that occurred after FSAR submittal, but before receipt of the Operating License).*

In either of the following two cases, a 10 CFR 50.59 evaluation is not necessary for correcting UFSAR errors that preceded receipt of the Operating Licensing:

The discrepancy involves excessively detailed information (as discussed in NEI 98-03, Section A4.1) that is beyond that necessary or important for providing an understanding of 10 CFR 50.2 design bases, safety analyses, or facility operation. In this case, the licensee may elect to correct or remove the excessively detailed information from the UFSAR in accord with NEI 98-03.

- *There is reasonable assurance that the AEC/NRC did not specifically rely on the incorrect information in making its licensing decision. This assessment should consider whether the misinformation was: a) credited in the plant SER, b) was submitted in response to a specific licensing concern (e.g., as part of pre-Operating License Q&A), or c) reflected in the issued Operating License (including Technical Specifications and Bases).*

If the incorrect information cannot be considered excessive detail, or if there is evidence that the incorrect information was specifically relied upon by the AEC/NRC in licensing the plant, then a 10 CFR 50.59 evaluation should be performed to reconcile the inaccurate information.

Should removal of obsolete and redundant information and excessive detail be reported to the NRC, and is a 10 CFR 50.59 evaluation required?

a) Obsolete information: The change to the facility/ procedure that caused UFSAR information to become obsolete was presumably evaluated under 10 CFR 50.59 when that change was implemented. Assuming the required 10 CFR 50.59 report sent to the NRC adequately reflects the removal of the obsolete information from the UFSAR, no further notice to NRC is necessary. However, licensees may wish to identify removal of obsolete information along with other removals so that the UFSAR submittal provides a good summary record of all information removed by that update

b) Redundant information: Removal of duplicate/redundant information does not, strictly speaking, constitute removal of information from the UFSAR that should be reported to the NRC (because the information is retained in at least one place). However, licensees may wish to identify removal of duplicate/redundant information along with other removals so that the UFSAR submittal provides a good summary record of all information removed by that update. If redundant or duplicate information is removed, a reference to the location in the FSAR where the information is to be retained should be provided in the section where the information has been removed (NEI 98-03, Paragraph A5). A 10 CFR 50.59 evaluation is not required since there is no Facility/Procedure change involved, and removal of duplicate/redundant information does not alter the content of the UFSAR.

c) Excessive Detail: By definition, excessively detailed information (as discussed in NEI 98-03, Section A4.1) is beyond that necessary or important for providing an understanding of 10 CFR 50.2 design bases, safety analyses, or facility operation. A 10 CFR 50.59 evaluation is not required since there is no Facility/Procedure change involved, and removal of excessive detail does not alter the essential content of the UFSAR. Removal of information considered to be excessive detail should be identified to the NRC as part of the required UFSAR updates (NEI 98-03, Paragraph A2 and A6).

1. Does the designation of UFSAR information as “historical” require a 10 CFR 50.59 evaluation?

No. A 10 CFR 50.59 evaluation is not required since there is no Facility/Procedure change involved and historical designation does not alter the content of the UFSAR

2. As part of the transition to improved technical specifications, some licensees relocated information to the Technical Requirements Manual (or equivalent document). The SER approval for the relocation was based on the TRM being incorporated in the UFSAR by reference to ensure the information is subject to control under 10 CFR 50.59. NEI 98-03 says that the TRM need not be incorporated by reference in the UFSAR. Which is correct?

The guidance in NEI 98-03, Revision 1, is correct and is in the process of being endorsed by the NRC in RG-1.181. NRC approval to relocate information from the technical specifications to the TRM was premised on licensee control of the TRM under 10 CFR 50.59, not on

incorporation of the TRM into the UFSAR.. Licensees who explicitly incorporated their TRMs into the UFSAR, have submitted the TRM on the docket, and submitted TRM change pages as part of periodic UFSAR updates may continue this approach. Likewise, it is also acceptable for licensees to have merely summarized or referenced the TRM in the UFSAR and committed to control the TRM under 10 CFR 50.59.

A licensee need take action only if the UFSAR states that the TRM is “incorporated by reference,” but has not submitted the TRM on the docket and submitted periodic change pages as part of UFSAR updates.

In this situation, because there is no requirement that the TRM be incorporated in the UFSAR, the easiest course would be to remove the statement from the UFSAR that the TRM is “incorporated by reference.” No 10 CFR 50.59 evaluation or notification to the NRC of this change is required

A licensee that has been meeting all requirements for a TRM explicitly incorporated by reference in the UFSAR and now wishes to stop providing updates in accordance with 10 CFR 50.71(e) may modify the UFSAR to remove the “incorporation by reference” statement. This effectively converts the TRM to a general reference in the UFSAR.. In so doing, the licensee should retain a commitment to control the TRM under 10 CFR 50.59. No 10 CFR 50.59 evaluation is required, however, consistent with NEI 98-03, licensees should identify to NRC the removal of the TRM from the UFSAR.