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Rules and Directives Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on Draft Regulatory Guide DG-1095, "Guidance for Implementation of 10 CFR 50.59, 'Changes, Tests, and Experiments'"

CNRO-2000/00018

Ladies and Gentlemen:

Entergy Operations, Inc. (Entergy) appreciates the opportunity to comment on proposed Draft Regulatory Guide DG-1095, "Guidance for Implementation of 10 CFR 50.59, 'Changes, Tests, and Experiments,'" as noted in the Federal Register, April 25, 2000, Volume 65, Number 80. Specific comments are provided in the accompanying attachment. Entergy also endorses the comments submitted to the NRC by the Nuclear Energy Institute (NEI).

Again, thank you for the opportunity to provide our comments.

Sincerely,

M. A Krupa

MAK/GHD/baa
attachment
cc: Mr. C. G. Anderson (ANO)
Mr. C. M. Dugger (W3)
Mr. W. A. Eaton (GGNS)
Mr. R. K. Edington (RBS)
Mr. G. J. Taylor (ECH)
Mr. T. W. Alexion, NRC Project Manager (ANO-2)
Mr. D. H. Jaffe, NRC Project Manager (RBS)
Mr. N. Kalyanam, NRC Project Manager (W3)
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Template: ADM-013

E-RIDS = ADM-03
Add: E McKenna (EMM)

COMMENTS ON
DRAFT REGULATORY GUIDE DG-1095

DG Section	Comment
C 1.1.1	Regarding the definition of "design function," please clarify the thought process regarding a system whose design function is described in the SAR only in terms of at-power conditions, and how using that system under plant shutdown conditions involves a change of "design function." There should be no change in design function in such a case provided there is no adverse impact upon the system in question.
C 1.1.3	With this clarification, the NRC is broadening the scope of "design function" to encompass anything for which the SSC may be used. This definition is too inclusive.
C 1.1.4	1. Please clarify the expectations regarding non-safety equipment in safety analyses. Specifically consider non-safety equipment (e.g., feedwater pumps) that is running at the start of an analyzed transient, which does not involve the loss of offsite power. Address the acceptability of assuming that such equipment continues to run in the same manner as it was before the start of the transient, with no response of that equipment to changing conditions (unless that response would exacerbate the transient). 2. Section 1.1.4 states the response of non-safety equipment (e.g., turbine bypass valves) is implicitly credited in safety analyses. This is incorrect. While such non-safety equipment, if described in the SAR, is part of the plant design, it is disingenuous to state that such equipment is implicitly credited in the safety analyses when the results of the analyses reported in the SAR are unchanged because that equipment is explicitly not included in the analysis.
C 1.1.6	Section C 1.1.6 states, "If the nature of the change is such that an engineering assessment or revised analyses is needed to determine whether an effect is adverse, the staff concludes that a 10CFR50.59 evaluation is required rather than a screening." This position detracts from the goal of regulatory stability implicit in the revised rule. Concerns with this statement include the fact that many engineering assessments, evaluations, or calculations are performed to document, rather than to determine, whether an adverse affect exists. Thus, vagueness would be introduced into the rule by relying on whether or not an engineering assessment was performed in support of the change. It is also the case that plants, which have previously performed sensitivity

	studies, would be able to reference those pre-existing analyses to determine that there is no adverse affect. Thus, the change could be supported without a full 50.59 evaluation. However, plants that have not performed such sensitivity studies would require a full 50.59 evaluation under the NRC guidance of SECY-00-0071. This is inconsistent. Also, to what extent would credit be allowed for analyses of similar plants when addressing the whether or not an engineering assessment is needed to determine if an affect is adverse? Past experience of the analysts, including service at other plants, would have a great impact on whether or not an engineering assessment is required to determine no adverse impact (vice an engineering assessment which is performed to document that there is no adverse impact). Consider a plant which has an analysis performed with a relatively old, outdated computer code, albeit one used to generate the results reviewed by the NRC during the original plant licensing process. For example, a containment analysis code may have been written with a binary switch to control the deposition of heat transferred via revaporization in an older code rather than have a physically realistic model. However, this is the type of intricate detail in the code which is not explicitly discussed in topical reports or NUREGs documenting the code or which is documented or mentioned in facility SARs. Consider that the plant in question has conducted detailed benchmark studies comparing the results with this old code to results with a newer, more physically accurate code, and has obtained a thorough understanding of the biases between the codes. For example, assume a utility has clearly determined there is a bias that is no greater than 1.5 psi between the results obtained by the two different codes. If, for business reasons or for improved user interface purposes, the plant desires to use the newer code instead of the older, there is a clear technical and logical basis to use the newer code in conjunction with an applied bias in place of the older code. NEI 96-07 and DG-1095 should recognize this situation is not a change in methodology since applying the bias ensures the newer method does not result in a non-conservative change in the results and, thus, is not a departure from approved methods.
C 1.2	Since the Maintenance Rule and its required risk screenings will be relied upon to assess the impact of short-term maintenance or construction instead of 50.59, does this mean that Maintenance Rule risk screenings will be performed in lieu of 50.59 reviews for Heavy Load Lifts? Is the new regulatory guidance in conflict with the guidance of Bulletin 96-02, which declared that all heavy load lifts over fuel or safety related equipment not previously analyzed is a Unreviewed Safety Question? Please clarify the requirements for Heavy Load Lifts under the revised 10CFR50.59 and the revised 10CFR50.65.

C 1.4	1. NEI 96-07 Section 4.3.8.2 discusses considerations for determining if new methods are technically appropriate for the intended application. The NRC should clarify that this discussion reflects that certain types of analyses (e.g., shielding, high-energy line break compartment thermal-hydraulic analyses, offsite dose analyses) are independent of plant design. For example, the use of ICRP30 dose conversion factors is an item that has been generically approved by the NRC by virtue of incorporating it into the basis of 10CFR21. Such factors are independent of plant design. Thus, any licensee should be able to adopt the ICRP30 dose conversion factors with a 10CFR50.59 Evaluation and should not have to obtain NRC approval to adopt this generically approved methodology. 2. The NRC should also clarify that many methodologies used in safety analyses (e.g., dose analyses, HELB, shielding, systems analyses) are not approved by the NRC and do not require approval by the NRC. NEI 96-07 Section 4.3.8.2 does not currently reflect this.
C 1.4.1	The NRC should delete Section 1.4.1. In this section, NRC questions whether licensees are able to determine if differences in configuration or licensing basis would have impacted whether the NRC would have approved an evaluation method at one plant for another plant. The basis for such a determination needs to be in the NRC SER. Due to greater familiarity with its own design, analyses, and licensing basis, a licensee is as able to make this determination to the same level of quality as the NRC would. This section should be deleted from DG-1095.
C 3	In Section 3.0, the NRC should either endorse the NEI examples, identify the examples it disagrees with and why, or provide its own examples. To do otherwise is an abdication of responsibility and would greatly detract from the regulatory stability sought through adoption of the new 10CFR50.59 rule.
D	This section provides no implementation guidance. The NRC should provide their expectations for transitioning from the old rule to the new one. For example, changes evaluated under the old rule and determined not to require prior NRC approval need not be re-evaluated under the new rule.