



65FR # 24231  
25 Apr 00  
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Nuclear Management Company, LLC

Michael D. Wadley  
Chief Nuclear Officer

June 9, 2000

Received  
13 June 2000  
9:30 am

David L. Meyer  
Chief, Rules & Directives Branch  
Office of Administration  
Mail Stop T-6 D59  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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

Dear Mr. Meyer:

NMC is the operating company representing the following five nuclear plants. These comments are based on feedback received from:

Duane Arnold Energy Center, Palo, IA  
Kewaunee Nuclear Power Plant, Kewaunee, WI  
Monticello Nuclear Generating Plant, Monticello, MN  
Point Beach Nuclear Plant, Two Rivers, WI  
Prairie Island Nuclear Generating Station, Welch, MN

**NMC Comments:** NMC endorses the Nuclear Energy Institute's comments on DG-1095 and their proposed changes to NEI 96-07, and provides the following amplifying comments:

Template: ADM-013

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1. Section 1 of DG-1095 states that NEI 96-07 is acceptable to the NRC with clarifications. "To clarify" means to make clear or understandable. This implies that the Staff agrees with the intent of NEI 96-07, but feels it could be made clearer. However, some of the "clarifications" offered by the Staff in DG-1095 differ so much from NEI 96-07 that the DG can hardly be considered an endorsement. As discussed in the following comments, the cumulative effect of the positions taken in DG-1095 would be to negate the screening process and require a 10CFR 50.59 evaluation for nearly all activities.
2. Section 1.1.1 of DG-1095 states that the term "design function" as used in screening should be broadly defined so that changes which have the potential to meet any of the evaluation criteria should be evaluated rather than screened. By creating this surprising link between the screening criteria of 10CFR 50.59(c)(1) and the evaluation criteria of 10CFR 50.59(c)(2), the Staff is proposing to widen the scope of 10CFR 50.59 to an unprecedented extent. Linking the screening criteria to the evaluation criteria in this way negates the screening process created by 10CFR 50.59(c)(1), as supported by the 10CFR 50.59(a) definitions, and in doing so appears to be inconsistent with the Rule itself.

A more reasonable approach would be to align the definition of "design function" to the definition of "design basis" or "design basis function" as used in 10CFR 50.2 and defined in NEI 97-04 Appendix B, which was endorsed by the NRC in DG-1093.

3. DG-1095 section 1.1.4 effectively expands the definition of structures, systems and components (SSC) "credited in the safety analyses" to include SSC that are not explicitly credited in the safety analysis, but which perform the same or a related function. This new definition and the accompanying example (turbine bypass system) unreasonably broaden the scope of 10CFR 50.59 to include non-safety-related SSC which are implicitly assumed by the safety analysis to not function. NMC agrees that the indirect effects of non-safety-related SSC and SSC not described in the UFSAR should be considered, but only when they have an adverse effect on a function which is explicitly credited in the UFSAR safety analysis.

4. DG-1095 section 1.1.6 takes the position that a 50.59 evaluation would be required whenever an engineering assessment or revised analysis is needed to determine whether an effect of a proposed activity is adverse. Since many proposed activities, especially modifications, involve some type of engineering analysis, this requirement would negate the screening criteria and require an evaluation of many activities which would not otherwise meet the criteria of 10CFR 50.59(c)(1). Any activity which has been shown to be bounded by the existing UFSAR design basis and Chapter 14/15 safety analyses cannot, by definition, possibly meet any of the eight evaluation criteria. Requiring an evaluation under these circumstances would be pointless.

It should be noted that analyses related to safety related equipment are already required to be retained by the Licensee in accordance with 10CFR 50 Appendix B.

Serious consideration of all of NEI's comments, especially those discussed above, is respectfully requested.

Please contact Matthew Petitclair (763-295-1689) if you have any questions related to these comments.

Sincerely,



Michael D. Wadley  
Chief Nuclear Officer  
Nuclear Management Company

cc:

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