

**Mendiola, Doris**

**Subject:** FW: [External\_Sender] Transmittal of Westinghouse Comments on Draft RIS [Docket ID NRC-2015-0172]  
**Attachments:** LTR-NRC-15-90.pdf

**From:** Zozula, Camille T. [mailto:zozulact@westinghouse.com]  
**Sent:** Friday, October 16, 2015 09:26 AM  
**To:** Popova, Alexandra; Bladey, Cindy; Gallagher, Carol  
**Subject:** [External\_Sender] Transmittal of Westinghouse Comments on Draft RIS [Docket ID NRC-2015-0172]

Please find the attached comment letter on the Draft Regulatory Issue Summary 2015-## "Clarification of 10 CFR 50.46 Reporting Requirements and Recent Issues with Related Guidance Not Approved for use by the NRC" [Docket ID NRC-2015-0172]. We apologize for the late submission.

Please contact Korey Hosack if you have questions or concerns.

Thank you,  
**Camille Zozula**  
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Nuclear Regulatory Affairs

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2015 OCT 16 AM 9:42

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SUNSI Review Complete  
Template = ADM - 013  
E-RIDS= ADM-03  
Add= *A. Popova (9xP16)*



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LTR-NRC-15-90  
October 15, 2015

**Subject: Transmittal of Westinghouse Electric Company Comments on Draft Regulatory Information Summary 2015 - ## "Clarification of 10 CFR 50.46 Reporting Requirements and Recent Issues with Related Guidance Not Approved for use by the NRC" [Docket ID NRC-2015-0172]**

Dear Ms. Bladey,

Westinghouse Electric Company (Westinghouse) appreciates the opportunity to comment on the draft Regulatory Information Summary (RIS) 2015-## "Clarification of 10 CFR 50.46 Reporting Requirements and Recent Issues with Related Guidance Not Approved for use by the NRC" (ML15057A346). Westinghouse acknowledges that this comment letter is being provided beyond the official comment period, but would encourage the NRC to consider the enclosed comments.

Westinghouse agrees with the industry comments (ML15268A089) already submitted that there is disagreement with certain elements of the draft RIS, and that there are other areas related to reporting requirements that would benefit from mutually agreeable industry guidance. Therefore we encourage the NRC to withdraw the proposed RIS, and allow industry guidance to be developed that would be subject to NRC review and endorsement.

In the event that the RIS continues to be pursued, please find attached Westinghouse comments on the draft RIS.

For technical questions regarding the enclosed comments, please contact Korey Hosack at (412) 374-5130.

A handwritten signature in black ink that reads "William J. Inwood / FOR".

James A. Gresham, Manager  
Regulatory Compliance

Attachment

**Westinghouse Comments on Draft RIS Related to "Clarification of 10 CFR 50.46 Reporting Requirements and Recent Issues with Related Guidance Not Approved for use by the NRC"**

1. Regarding the NRC's position that "plant-specific inputs and design parameters" are a part of the evaluation model: The NRC contends that "this NRC staff position has been applied consistently," yet it appears that the position has changed over time. From the Federal Register, Vol.53, No.180, pages 35996-36005, it is stated:

"One commenter interpreted the use of the words 'or in the application of such a model' as requiring reporting when facility changes (already reportable under 50.59), resulting in model changes occur.

The regulatory language referred to is intended to assure that applications of models to areas not contemplated during the initial review of the model do not result in errors by extending the model beyond the range that it was intended. The Commission does not believe that further clarification of this requirement is necessary and has not done so in the final rule."

The statement effectively serves to clarify the definition of "application (of such a model)." Specifically, that "application" is intended to mean extending the use of an evaluation model for something other than its intended use or intended range (i.e., using an ECCS model approved for SBLOCA for analyzing events other than a SBLOCA). This interpretation is logically derived from the statement that the regulatory language is "intended to ensure that applications of models to areas not contemplated during the initial review of the model do not result in errors by extending the model beyond the range that it was intended."

Further, this statement also appears to correct the 1988 commenter's misinterpretation about plant changes being reportable (which, as was stated by the NRC), is "already reportable under 50.59." This appears to contradict the NRC's statement within the RIS that "this NRC staff position has been applied consistently."

It is noted that the draft RIS also quotes this same passage, albeit for different reasons. Please elaborate on:

- a. How the interpretations in this comment are incorrect.
  - b. How the NRC came to the conclusion that the statement supports the assertion that "this NRC staff position has been applied consistently," as this interpretation does not appear to follow from the quoted statement.
2. This comment is based on the staff's position in the RIS that "plant-specific inputs and design parameters" are elements of an acceptable evaluation model (EM):

There are some changes to "plant-specific inputs and design parameters" that require prior NRC approval in order to implement. When a license amendment request (LAR) for such a change is submitted, it would be expected that the licensee provide adequate justification for the change as part of the amendment request, including any potential impact to the peak cladding temperature (PCT) from the change in plant-specific inputs and design parameters. Assuming that there is a "significant" impact to the PCT and that the LAR is ultimately approved, there are a few considerations:

- a. The newly approved licensing basis would be required to submit a 30-day 50.46 report.

- b. Such information had just been submitted, reviewed, and approved by the NRC via the LAR.
- c. The same information is therefore being provided to the NRC through two different channels (50.59 and 50.46), which seems to be an undesirable cumulative effect of regulations and the position stated in the RIS.
- d. Section 3 of NEI 07-05 describes the relationship between 10 CFR 50.46 and 10 CFR 50.59, and based on the interpretations therein, prevents this type of scenario by taking the position that, contrary to the NRC's position in the draft RIS, "plant-specific inputs and design parameters" are NOT a part of an acceptable EM. It is noted that the NRC identifies this aspect of NEI 07-05 as one of the three explicit "issues" in the draft RIS.

Please elaborate on the NRC's position on the relationship between 50.59 and 50.46 in the draft RIS, specifically with respect to a licensee's 50.46 reporting obligation for changes to plant specific inputs and design parameters resulting in a "significant" impact before granting the amendment request (prior to incorporation of the change into the licensing basis), as part of the amendment request (in-process change), and after granting the amendment request (subsequent to incorporation of the change).