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Mail Stop: OWFN-12H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on Draft Regulatory Guide DG-1334, "Guidance for Implementation of 10 CFR 50.59, 'Changes, Tests, and Experiments'" (81FR94275, dated December 23, 2016, Docket ID NRC-2016-0270)

This letter is being submitted in response to the U.S. Nuclear Regulatory Commission's (NRC's) request for comments concerning the subject draft Regulatory Guide (RG) DG-1334, "Guidance for Implementation of 10 CFR 50.59, 'Changes, Tests, and Experiments,'" published in the *Federal Register* (i.e., 81FR94275, dated December 23, 2016). This draft RG is proposed Revision 1 of RG 1.187 (same title), dated November 2000.

DG-1334 provides licensees and applicants with a method that the NRC considers acceptable for use in complying with its regulations on the process by which licensees may make changes to their facilities and procedures, as described in the safety analysis report, without prior NRC approval, under certain conditions. As discussed in DG-1334, the NRC considers the guidance provided in NEI 96-07, Revision 1, "Guidelines for 10 CFR 50.59 Implementation," to be generally acceptable as a means for complying with the requirements of 10 CFR 50.59 with some clarification as described in Section C, "Staff Regulatory Guidance," of the draft RG.

Exelon Generation Company, LLC (Exelon) appreciates the opportunity to comment on the subject draft RG and offers the comments below for consideration by the NRC.

General Comments

- Section C.1.b.a

Exelon believes that the guidance should be revised to make it clear that the "conservative or essentially the same" criteria only apply when making changes to elements of an existing methodology that the licensee is currently licensed to as described in the Updated Final Safety Analysis Report (UFSAR). These criteria do not apply when changing to another method that is not part of a licensee's current licensing basis as described in the UFSAR, but that has been approved by the NRC through issuance of a Safety Evaluation Report (SER) for the intended application.

SUNSI Review Complete

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Exelon recognizes the NRC's use of the wording "methodology revision" in its guidance since this wording is used in the subject NEI 96-07, Revision 1 statement; however, Exelon believes the use of this wording is confusing since a "revision" is typically thought of as a change to an existing methodology and not a change from one method to another method. Exelon recommends the following clarification to the last sentence in the first paragraph of Section C.1.b.a:

Although a "methodology revision" is typically thought of as a change to an existing methodology in the licensee's current licensing basis, Licensees may document a "methodology revision" as a change from a method described in the FSAR to another method which would not require a license amendment if the licensee can demonstrate that the other method has been previously accepted by NRC through issuance of an SER for the intended application. However, the "conservative or essentially the same" criteria do not apply when changing from one method to another method.

- Section C.1.b.b

Exelon believes that the proposed guidance does not provide sufficient discussion in this section to clearly explain that the statement "previous revision of the same methodology" is a reference to the revision of the methodology that the licensee is currently licensed to as described in the UFSAR. The determination of whether a change to an element of a methodology produces results that are conservative or essentially the same is based on a comparison with the methodology of record as described in the UFSAR (i.e., the current licensing basis).

If you have any questions or require additional information, please do not hesitate to contact Richard Gropp at (610) 765-5557.

Respectfully,



David P. Helker
Manager, Licensing and Regulatory Affairs
Exelon Generation Company, LLC