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Nuclear Business Unit

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Chief, Rules Review and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SALEM GENERATING STATION UNITS 1 AND 2
HOPE CREEK GENERATING STATION
FACILITY OPERATING LICENSES DPR-70, DPR-75 AND NPF-57
DOCKET NOS. 50-272, 50-311 AND 50-354
COMMENTS ON NUREG-1606, "PROPOSED REGULATORY GUIDANCE RELATED TO IMPLEMENTATION OF 10 CFR 50.59 (CHANGES, TESTS, OR EXPERIMENTS)"

Gentlemen:

Public Service Electric and Gas Co. (PSE&G) provides the attached comments in response to the Federal Register notice dated May 7, 1997.

Our comments are directed towards those sections of the NUREG which we believe to be new requirements. Their effect would be to greatly increase the number of proposed changes requiring NRC review and approval with little or no safety benefit.

In addition to the detailed comments attached to this letter, PSE&G also endorses the comments submitted by the Nuclear Energy Institute and by the Licensing and Design Bases Clearinghouse.

PSE&G appreciates the opportunity to provide comments on the draft document. Should there be any questions concerning this submittal, please do not hesitate to contact us.

Sincerely,

IEP-11 Guidelines Manuals

David R. Powell

David R. Powell
Manager-
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Attachment (1)

JUL 07 1997

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ATTACHMENT

PSE&G COMMENTS ON NUREG-1606

NUREG-1606 Section	Comments
III.A, Definition of Change	The proposed guidance states that component replacement activities would be considered maintenance only if the replacement was an identical component. This contradicts the guidance in Inspection Manual Part 9800 which states that maintenance activities which replace components with replacement parts procured to the same (or equivalent) purchase specification do not require a written safety evaluation to meet 10 CFR 50.59 requirements. As an example of a change that would not require a 10 CFR 50.59 safety evaluation, Part 9800 cites the replacement of a thermocouple with one made by a different manufacturer but which encompasses equivalent response characteristics. The current industry guidance states that replacing a component with an equivalent component is a maintenance activity and would not require review under 10 CFR 50.59. "Change" is defined as "an activity which affects the design, function, or method of performing the function of a system, structure or component described in the SAR." This is consistent with previous NRC guidance in Part 9800 and in NRC Inspection Procedure 37001. The new staff position would increase the number of changes requiring evaluation under 10 CFR 50.59 with no safety benefit.
III.I, Malfunction of Equipment Important to Safety - of a Different Type	The proposed guidance states that, if the proposed activity could lead to a different initiator, or involves a failure mode of a different type than the types previously evaluated, then the failure results from a malfunction of a different type. The phrase "a different initiator" is so broad that it would result

NUREG-1606 Section	Comments
	in unnecessary unreviewed safety questions. For example, consider a modification which installs an additional piece of equipment which becomes part of the reactor coolant pressure boundary. Clearly the equipment should be designed in accordance with appropriate standards to withstand the required pressures and temperatures. If the failure of this new piece of equipment is to be considered "a different initiator," the proposed guidance would require a determination that there is an unreviewed safety question, even though the consequences of its failure (small or large break LOCA) are already bounded in the accident analyses. In practice, the proposed guidance would require prior NRC approval for many design changes that add new components or replace existing components. In determining if the possibility of a malfunction of a different type may be created, the focus of the 10 CFR 50.59 Safety Evaluation should be on the effects of the proposed change.
III.N, Licensee Practice of Deleting Information from Safety Analysis Reports	The proposed guidance states that licensees "may not remove material from safety analysis reports unless the material is changed as a direct result of a change to the facility." This conflicts with the January 1984 Part 9800 inspection guidance in which the NRC recognized that not all information contained in the SAR was used to establish the basis for the plant Operating License. The NRC stated that the intent of 10 CFR 50.59 is to limit the requirement for writing safety evaluations to facility changes, tests and experiments which could impact the safety of operations. 10 CFR 50.59 should not be interpreted to prevent licensees from removing information from the FSAR that does not effect plant safety.

NUREG-1606 Section	Comments
III.O, Application of 10CFR50.59 to the Resolution of Degraded and Nonconforming Conditions	The proposed guidance would require a 10 CFR 50.59 safety evaluation to be performed whenever a degraded or nonconforming condition is not resolved "at the first available opportunity." A plant currently operating with a degraded condition involving a USQ would not normally be required to shutdown as long as all necessary equipment is operable. However, for shutdown plants, the NRC staff would not allow startup until the condition was first corrected or staff approval was received. The proposed staff position is inconsistent with the proposed guidance for discovery of an inadequate Technical Specification in Section III.L. In that case, upon discovering the inadequate Technical Specification, the licensee should take appropriate action to put the plant in a safe condition (such as by imposing more conservative administrative limits), and also take action (such as requesting a license amendment) so that the Technical Specifications represent the minimum requirements. The existence of an unreviewed safety question does not mean that a safety issue exists, but only that NRC review is required before the change is implemented. Upon discovery of a degraded or nonconforming condition which involves an unreviewed safety question, licensees should make timely application for NRC review and approval. Provided all necessary equipment is operable, a degraded condition involving a potential USQ would not require a plant to remain shutdown.
III.S, Definition of Reduction in Margin of Safety	The proposed requirement to refer to plant-specific SAR values as acceptance limits represents a new requirement for two reasons. First, as the NRC noted in the April 1996 Part 9900 inspection

NUREG-1606 Section	Comments
	guidance, industry guidance is currently broader than the rule regarding where a licensee must look to find a margin of safety in that NSAC-125 recommends looking beyond the Technical Specification (TS) Bases. In stating that 10 CFR 50.59 requires evaluation of margins of safety not specifically described in the TS Bases, the proposed guidance imposes new requirements for the conduct of 10 CFR 50.59 Safety Evaluations. Second, the proposed guidance would require a proposed change to be identified as an unreviewed safety question if it involved a potentially non-conservative change in a value in the SAR (as referenced in the Technical Specification Bases). The acceptance limit is not typically the value reported in the SAR. Changes in SAR reported values (e.g., ECCS pump available net positive suction head) do not involve a reduction in the margin of safety unless they exceed the acceptance limit reviewed and approved by the NRC.
III.V, Consideration of Compensating Effects	The proposed guidance states that the "effect of any change must be evaluated against each of the USQ criteria separately - that is, an increase in probability cannot be 'compensated' by additional mitigation capability." This conflicts with previous NRC guidance on the use of compensatory actions to offset increases in probability or consequences. The April 1996 Part 9900 inspection guidance states that it is acceptable to use compensating effects (such as changes in administrative controls) to offset uncertainties and increases in probability or consequences. A requirement to evaluate compensatory measures separately from the proposed change would, in many cases, prevent the use of administrative controls as a compensating effect.