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Division of Administrative Services
Office of Administration
U. S. Nuclear Regulatory Commission
Washington D. C. 20555-0001

References: 1. Docket No. 50-285
2. Federal Register Volume 62, No. 88 dated May 7, 1997 (62 FR 24997)

Subject: Comments on NUREG-1606, Proposed Regulatory Guidance Related to Implementation of 10 CFR 50.59 (Changes, Tests or Experiments)

In Reference 2, the NRC issued for public comment NUREG-1606, Proposed Regulatory Guidance Related to Implementation of 10 CFR 50.59 (Changes, Tests or Experiments).

Omaha Public Power District (OPPD) has reviewed the draft NUREG and provides comments in the attachment to this letter.

Sincerely,

S. K. Gambhir
Division Manager -
Engineering & Operations Support

SKG/tcm

Attachment

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OPPD Comments on NUREG-1606, Proposed Regulatory Guidance Related To Implementation
of 10 CFR 50.59 (Changes, Tests, or Experiments)

General Comments

In most cases the "NRC Position or Guidance" is difficult to understand and is subject to interpretation, misunderstanding, etc. Specific succinct guidance that is not subject to interpretation should be provided. The guide should be reformatted to provide guidance only -- similar to NUREG-1022.

Section IV discusses possible rulemaking. None of this will help in the understanding necessary to prepare a meaningful 10 CFR 50.59 Safety Evaluation.

Definitions should be provided for all terms used, e.g., Safety Analysis, Equipment Important to Safety, Review, etc. It is difficult to determine the requirements of the guidance.

Specific Comments by NUREG Section.

Section III.A - Definition of Change

Item (a): The word "identical" should be changed to "equivalent." A change to the facility has not occurred if the fit, form, function, and material (including seismic and environmental qualification requirements where applicable) of a replacement item has been established and documented in accordance with ANSI N18.7. A component that does not change any design characteristics should not require a 50.59 Safety Evaluation.

Item (c): Allowance for routine maintenance is an inherent assumption in the design of any plant. The draft guidance would make it more difficult to take non-TS safety related equipment out of service than to take TS equipment out of service under an LCO, which has a higher safety significance. It is excessive to perform 50.59 reviews for SSCs removed from service which are not addressed by TS LCOs and/or provide no safety function.

An exception is needed for changes that will obviously not impact the safety analyses or NRC conclusions, such as clarifications, editorial changes, tag number changes, etc. The SAR also contains descriptive information and trivial information (IMC 9800, 1984) that should not require a 10 CFR 50.59 evaluation to revise. Based on the questions asked by 10 CFR 50.59, the Safety Evaluation will always result in a negative USQ conclusion.

Additionally, there are clerical changes that will not impact the conclusion and should not require a complete 50.59 evaluation. The NRC Staff should provide considerations for changes which will obviously not result in a USQ, such as those described in IMC 9800 for trivial changes.

Section III.B - Definition of Facility

A definition for "safety analysis" should be provided.

Section III.D - Definition of Test or Experiment

The reference to a "special procedure for a particular purpose or an evolution performed to gather data" in the NUREG is vague. The definition of "test or experiment" should note that it is a special procedure where plant systems are operated different from or in conflict with the description of system operations in the SAR. The need for a 50.59 Evaluation should be associated with how the equipment and/or plant is operated and not the fact that data is being obtained during such operations. The examples are good.

Section III.I - Malfunction of Equipment ITS of a Different Type

The NSAC-125 approach to this subject should be maintained rather than to categorically treat different causes of failure as "a failure of a different type than that evaluated in the SAR." Equipment malfunctions should be evaluated based upon the effects of the malfunction and not the specific initiator of the event. If a SSC fails, what is of significant interest is whether a SSC can fail in a manner that propagates to other systems in a new or different way, rather than the initiator of the failure. When a failure results in no new/different effects on other equipment, does not influence plant response, and does not influence the response of any SSC important to safety, then it is improper to categorize this as a failure of a different type than that described in the SAR. If the result of the Failure Mode and Effects Analysis is the same, the initiator may not be of significance. However, the person making the change should also realize that, for example, replacing a pneumatic transmitter with an electronic one could introduce a new or unanalyzed type of common mode failure (loss of vital power supply, fire effects upon power supply, flooding, etc.)

Section III.M - PRAs in 50.59 Evaluations

The NRC should actively pursue this issue and allow the use of PRA. Many of the "Accidents Previously Evaluated" were determined and evaluated before PRA, and as a result the scopes and bounds established by these accidents are not based on what would now be considered good PRA fault tree and logic analysis.

PRA can show that some "Accidents" are insignificant and in fact that the SSCs designed and installed to mitigate these "Accidents" are actually precursors and/or initiators for accidents with either a greater probability or consequence.

Section III.N - Deleting Information from FSAR

This is only acceptable if it is applicable to "design bases" (10 CFR 50.2) information only. Much of the information in the SAR is not "design bases" or even "engineering design bases." For example, some FSARs have a complete listing of non-safety-related computer calibration parameters.

Section III.O - 50.59s on Degraded/ Nonconforming Conditions

The use of the term "available opportunity" is somewhat ambiguous. This section should closely follow the guidance provided in Generic Letter 91-18.

Section III.P - Increase in Probability of Occurrence

The NSAC-125 guidance should be maintained.

Section III.R - Increase in Consequences

The consequences should be based on the values which the NRC used in the SRP/SER. Often the values in the SAR are "engineering design bases" and not 10 CFR 50.2 "Design Bases." Consequences should not be based on the engineering design bases values simply because they are documented in the SAR.

Section III.S - Reduction in Margin of Safety

The acceptance limits should be the values which the NRC used as acceptance limits in the SRP/SER. Acceptance limits should not necessarily be the values for calculated performance which are documented in the SAR. Often these are "engineering design bases" or "economic considerations" and not 10 CFR 50.2 "Design Bases." The treatment of "Margin of Safety" in NSAC 125, Section 3.8 should be endorsed by the NRC.

Section III.T - Scope of Basis for Any Technical Specification

The NSAC 125 approach should be maintained.

Section III.U - Application of New Methods for USQ

Allowances must be made for the newer/better calculation methods available today.

Section III.V - Use of Compensating Actions for USQ

NRC should endorse the guidance offered in NEI 96-07. The use of compensatory actions are adequately described and controlled by the guidance in NEI-96-07.

Policy Issue IV.A

- (1) This is adequately controlled by the "Conditions of License" and "Appendix B" requirements.
- (2) This seems unworkable, especially with the 10 CFR 54.3 definition of Licensing Bases.
- (3) This recommendation does not seem to agree with NUREG 1397.
- (4) Additional guidance would be needed if this NUREG is implemented.

Policy Issue IV.B

The NRC should actively pursue the use of PRA. Far too much time/money is spent on obtaining frivolous license amendments for changes to SSCs with no real safety significance that could be made with a 50.59 and allowance for the use of PRA.