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To: TWFN_DO.twf4_po(DLM1)
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Subject: Comments on DG-1095

Please find my comments on the proposed subject guide. If you have any questions I can be reached at 301-415-1083 or wmb1@nrc.gov.

Mark Blumberg

CC: OWFN_DO.owf2_po(EMM,WMB1)

Process as a comment on Draft Guide-1095

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Add: E. McKenna(EMM)

Pg 13, 3.4. The sentence "changing from a method described in the FSAR to another method unless that method has been approved by NRC for the intended application," is a statement that is open to many various interpretations. The regulatory guide does not appear to do an adequate job of providing sufficient guidance on interpreting this statement. While the guide seems to be adequate, from a practical standpoint, there are many questions it does not answer. Some of the key questions that the Regulatory Guide does not seem to address are given below :

A) The definition on page 14 of "Approved for the NRC intended application," is entirely subjective. From a practical standpoint it is subject to abuse for many reasons.

1) An NRC reviewer can not predict every application for which a method may be used. What is good for application X may not be good for application Y. In the past NRC reviewers did not consider these impacts. They only evaluated the method for the proposed change. Nor did they document all the considerations of approving a method. A licensee can not possibly understand all the considerations made by a reviewer when they approve a method because there is no requirement for a reviewer to document all these considerations.
2) Reviewers do not have the time to check every aspect of proposed change. Many do not perform confirmatory calculations, nor does a licensee provide every change in methodology in every license amendment. Typically, the license amendment only describes a cursory amount of detail and the conclusions.
3) Some methods in the UFSAR were obtained by default and not by NRC review of the method. The NRC's view of approving amendments has changed over the years. At one time the NRC approved amendments based upon the NRC's independent calculations. Many of these calculations did not consider the methods the licensees utilized. Typically, rather than resolve the differences between the licensees' calculations and what the NRC believed to be correct, the NRC would use its own methods to evaluate the proposed change. The NRC staff believed at that time that this independent evaluation carried some weight with respect to the licensing bases of the plant. Recently, as a result of a court ruling, this interpretation was found to be false. There is now a disjoint between what was approved by independent calculations and what is in the Safety Analysis Reports (SAR). Currently, these disjoints are limited to individual licensees, but the proposed guidance appears to allows any method in current Safety Analysis Reports to be propagated to any licensee.

With these thoughts in mind, consider the impact of freely, legally and instantaneously allowing the propagation of any methods that may have been in error or not directly reviewed, but yet appear to be "approved by the NRC." As things stand now individual reviewers have the opportunity to stop changes in methodology that may be in error. With this guidance the NRC will not have that chance, because they may not even know that these changes are occurring.

For example, two months ago a licensee proposed a change in methodology to support

a change to their facility. It was a very complex method so they were asked if anyone else had ever used this method. They found another licensee that had this methodology in their Safety Analysis Report. When the project manager looked for the safety evaluation which supported that change it did not mention anything about that methodology. The reviewer did not mention it. It is not known whether the reviewer looked at it. Under the proposed 50.59 Regulatory Guidance, I do not believe that there are sufficient controls or guidance for dealing with the complexities of these common issues. In this case the guidance does not seem to provide enough detail to prevent a licensee from utilizing the proposed method. The burden of proof to prevent such improper utilization of these methods will be solely on the NRC and will be nearly impossible to identify.

The guidance needs more concrete guidance to deal with these issues.

The guidance does not seem to adequately address compensatory methods of offsetting dose margin. I believe it could be much more complete. Many dose calculations contain methods and design inputs that are not completely detailed in the SAR, but the results are presented in Design Basis Safety Analyses. It seems arbitrary to me to exclude the values and methods and inputs which support the SAR from 50.59, but are not included in the SAR.

Pg. 5, Section 1.4.1 The guidance does not seem to address the following scenario. A method is found to not be relevant to the results obtained for a particular application. Therefore, it is placed into the licensing bases. In this case the method could be a computer code with multiple options. In a future application a different combination of options in the code would produce a relevant difference in results. Because the code is in the licensing bases, this aspect is not considered to be a different methodology. The words in this section should address such common scenarios and require licensees to address different methods within the same computer code. It should be noted that a computer code is not a method, but it contains methods. I recommend that an example be generated which would describe this scenario. Furthermore, when a new code (method) is used to replace an old code (method) in the SAR, the new method should be described in the SAR in enough detail to understand what part of the code was utilized.

Pg. 14. The "Essentially the Same" definition should be more restrictive. It should be limited to rounding errors and use of different computational platforms and not to within the margin of error of the analyses. The margin of error for the analyses can be broadly interpreted and is far too liberal and not enforceable. The rounding errors and differences in computational platforms should be limited to less than 1% differences in the final (not interim) and utilized results.

Page 44. The paragraph that allows a minimal increase of 0.1 rem for those in excess of SRP limits should be removed. There is no reason for allowing someone over the SRP guidelines to continue to exceed these guidelines. This implies that if a person can break up a change into small enough doses anything is acceptable. At the very least there should be restrictions on the number of times this can be utilized.

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