

June 30, 2000

MEMORANDUM TO: Cynthia A. Carpenter, Chief
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

FROM: Eileen M. McKenna, Senior Reactor Engineer/**RAI**
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JUNE 27, 2000, MEETING WITH THE NUCLEAR
ENERGY INSTITUTE (NEI) ON REVISION TO NEI 96-07 ON
IMPLEMENTATION OF 10 CFR 50.59

On June 27, 2000, a public meeting was held at the NRC offices in Rockville MD, between members of the Nuclear Energy Institute (NEI), and Nuclear Regulatory Commission (NRC) staff. Attachment 1 lists attendees at the meeting.

The purpose of the meeting was to discuss what revisions would be made to NEI 96-07 (Rev.1) as a result of the comments received on the publication of draft Regulatory Guide DG-1095, in which the staff proposed to endorse the NEI document, with comment, for implementation of 10 CFR 50.59.

The staff first summarized the comments received, as shown in Attachment 2. Copies of the comments were made available to participants for use at the meeting (all available in ADAMS). NEI submitted a set of comments that several other commenters endorsed. These comments included revisions to respond to issues that the staff had raised in the draft RG, and a few other items resulting from NEI's review and discussion with its members. Of the set of comments received, the staff noted that some of them would likely result in revisions to NEI 96-07, others would be addressed by the staff as part of the comment resolution, and others might be dealt with in the RG or the FR notice that announces issuance of the final RG (or other NRC document). The meeting focused upon the revisions to NEI 96-07, both those proposed by NEI, and others resulting from the comment review process.

NEI first noted that their comments retain the concept of defining "design function" as a means to screen changes, with additional discussion about its meaning to be sure the term is interpreted broadly enough to cover the evaluation criteria, without being applied to every function that might be noted in the safety analysis report. Their discussion utilizes much of the discussion that was contained in DG-1095 on this topic. During the meeting, NEI noted that they thought that the definition could be further improved by a revision that explicitly links this definition with the definition of "design basis" in DG-1093. Their revised definition is included as item 2 in Attachment 3.

The second topic was the guidance about whether changes “adversely effect” design functions, methods of performing or controlling functions, or evaluations. In their comments, NEI proposed to add text about the relationship between the technical evaluations done for a change and the 50.59 evaluation. Further, their revised guidance specifically discusses the difference between instances where the safety analyses are re-run to demonstrate that requirements are met (in which a 50.59 evaluation is needed), and other instances where the safety analyses may be re-done to reflect improved performance of SSC (screening case).

Next the staff raised questions about the guidance in NEI 96-07 Rev.1 on human actions. First, it appeared from the discussion in section 4.3.2 that “likelihood of malfunction” was the only criteria where human actions were involved. NEI noted that human actions are discussed in the screening section, and in the lead-in to section 4.3, with the information in 4.3.2 as an example. The staff also noted that the bullets listed in section 4.3.2 seemed too general to result in identification of changes involving human actions that should receive review. For instance, the guidance states that the licensee should “demonstrate” that the action can be completed in the time available, without stating “by the type of personnel (e.g., operators) who would perform the action under realistic conditions.” The staff also suggested adding an example of a change that would be a more than minimal increase. (NEI agreed to review their guidance for possible enhancements based upon these discussions).

The staff next discussed some of the comments received about methods, and in particular, about whether the guidance on changing from one method to another (plant-specific approval) was detailed enough for a licensee to reach the right decisions. For instance, if one licensee used a method, but the NRC documents were silent about acceptability of that method, what would be the outcome, using the guidance. NEI stated that the licensee has the responsibility to provide a basis for their determination that the method was indeed “approved”, and the guidance specifically mentions topicals and SERs. If there is no documentation about the NRC review, a licensee would not be able to use that method without approval, based on the guidance. The staff also noted that in these cases, the new method must be used in its totality, for similar applications. (NEI agreed to review their guidance for possible enhancements based upon these discussions).

Another topic mentioned was “mission dose” (that is, for cases where operator actions are taken outside the control room in post-accident conditions, as evaluated as part of the TMI action plan). NEI proposed some text in NEI 96-07 that would control such changes through meeting the TMI requirements. (This item is under consideration by NRC).

The last subject mentioned by the staff was some comments relating to the nexus of 50.59 and the maintenance rule risk assessments. The staff inquired about some new language that was included for the case where a temporary alteration was to be in place for more than 90 days, and the ensuing 50.59 evaluation determined that the evaluation criteria were met. (NEI agreed to review their guidance for possible enhancements based upon these discussions).

Another commenter had asked about the applicability of certain statements in Bulletin 96-02 (heavy loads) in view of the revised approach to maintenance and 50.59, specifically, where the bulletin states that a load heavier than one previously evaluated requires NRC approval. This is an illustration of a more general topic about the applicability of past NRC guidance/documents that discuss or reference 10 CFR 50.59, in light of the rule revision. It was suggested that this was a topic that might be appropriate for the final RG.

One other clarification that NEI wishes to be considered as part of the revisions to NEI 96-07 concerns the change control for maintenance procedures, as shown in item 1 of attachment 3.

Finally, the group discussed the schedule. NEI plans to submit the "pre-publication" version of NEI 96-07 to support the NRC's final RG on July 12. This will meet the staff's needs to support the current schedule to provide the final RG to the Commission by the end of September.

Attachments: As stated

cc w/att: See next page

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Attachments: As stated
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Distribution: Mtg. Summary w/ NEI Re Revision of NEI 96-07 and Draft RG comments

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ORIGINATOR: Eileen McKenna x2189 O-11-F-1

SUBJECT: SUMMARY OF MEETING WITH NEI ON JUNE 27, 2000,
ON REVISION TO NEI 96-07 CONCERNING IMPLEMENTATION OF
10 CFR 50.59

NAME	DATE
1. <u>E. McKenna</u>	_____
2. <u>S. West</u>	_____
3. <u>RGEB Secretary - dispatch</u>	

NRC/NEI MEETING ON DRAFT RG COMMENTS AND REVISION TO NEI 96-07
LIST OF ATTENDEES
June 27, 2000

<u>NAME</u>	<u>ORGANIZATION</u>
Eileen McKenna	NRR/DRIP/RGEB
Cindi Carpenter	NRR/DRIP/RGEB
Steve West	NRR/DRIP/RGEB
Frank Akstulewicz	NRR/DSSA/SRXB
Stu Magruder	NRR/DRIP/RGEB
Dick Hoefling	NRC/OGC
Russell Bell	NEI
Tony Pietrangelo	NEI
Nancy Chapman	SERCH/Bechtel
James Kilpatrick	BGE
Charles Willbanks	NUS Info Services
Scott Bauer	Arizona Public Service
Pete LeBlond	LeBlond Associates
Jon McGaw	Southern California Edison
Ted Schiffley	ComEd
Joe Hegner	Virginia Power
Bob Newkirk	Detroit Edison
Mark Reinhart	NRC/DSSA/SPSB
Jay Lee	NRC/DSSA/SPSB
Med El-Zeftawy	NRC/ACRS
Mark Blumberg	NRC/DSSA/SPSB
James Bongarra	NRC/DIPM/IOLB
Steve Sevick	Virginia Power
Pete Prassinis	NRC/RES/DRAA
Phil Brochman	NRC/NMSS/SFPO

OVERVIEW OF COMMENTS RECEIVED ON DG-1095

Twenty submittals (plus memo from IOLB on human actions)

- NEI
- 15 utilities endorsing NEI comments, in a few instances with additional comments
- Winston and Strawn (on behalf of a consortium of utilities)
- 3 individuals

Comments about the topics raised in the DG

Screening

- Design function (and whether any function mentioned in the FSAR was a design function)
- Adverse effects (and relationship to engineering assessments, and whether existing analyses remain bounding)

Methods

- methods not explicitly reviewed by NRC before
- ability to determine if “approved for intended application”
- use of a different method (not “approved”) if results are conservative

Maintenance rule nexus clarifications (e.g., heavy loads, >90 days)

Other topics

- fire protection
- mission doses
- human actions

Other major category of comments related to Transition and Implementation

- Timing of evaluation vs. implementation of a change
- Revising an old evaluation

June 27, 2000, NEI-NRC Public Meeting on 10 CFR 50.59

Additional Changes to NEI 96-07, R1

DRAFT

1. **Recommended clarification to address inconsistency on control of maintenance procedures**

Affected portions of NEI 96-07, R1:

- Section 3.11 ("Procedures") revised ~~eliminate~~ mention of maintenance procedures (this will be addressed in Section 4.1.2).

Even if described in the UFSAR, procedures that do not contain information on how SSCs are operated or controlled do not meet the definition of "procedures as described in the UFSAR" and are not subject to 10 CFR 50.59. ~~for performing maintenance, work control, and administrative activities are normally outside the definition of "procedures as described in the UFSAR" because they do not typically contain information on how SSCs are operated or controlled.~~ Section 4.1.4 identifies examples of procedures that are not subject to 10 CFR 50.59.

- New (second-to-last) paragraph proposed for Section 4.1.2:

Neither 10 CFR 50.65(a)(4) nor 10 CFR 50.59 apply to changes to procedures for performing maintenance activities. Changes to procedures for performing maintenance are made in accordance with applicable Appendix B criteria and licensee procedures. In addition, licensees must ensure such changes are consistent with 10 CFR 50.65(a)(1) & (a)(2) requirements for monitoring and maintaining the performance or condition of SSCs consistent with goals/criteria established under the Maintenance Rule. If a change affects information in the UFSAR (e.g., a specific test or maintenance frequency), the affected information should be updated in accordance with 10 CFR 50.71(e).

- First bullet in Section 4.1.4 revised to eliminate reference to "maintenance activities" (addressed in Section 4.1.2)
 - ~~Operations and maintenance activities such as~~ work process procedures such as control of equipment status (tag outs)
- Fifth example in Section 4.2.1.2 (on changing battery test frequency or methods) deleted. (This is a type of maintenance procedure.)

2. Revise definition of "design function" to incorporate "design bases functions"

Advantages:

- Simpler and clearer
- Consistent with existing definition of "design function"
- Promotes understanding of the relationship with "design bases function"
- Provides a coherent linkage to the design bases guidance

The existing definition (from our June 8 comments to NRC on DG-1095) is:

Design function for an SSC means an SSC function described in the UFSAR that is credited in the safety analyses, or that supports or impacts any credited SSC function."

The revised definition and discussion would be as follows:

Design functions are UFSAR-described design bases functions and other SSC functions described in the UFSAR that support or impact design bases functions. Implicitly included within the meaning of design function are the conditions under which intended functions are required to be performed, such as equipment response times, process conditions, equipment qualification, and single failure.

Design bases functions are functions performed by SSCs that are (1) required to meet regulations, license conditions, orders or technical specifications, or (2) credited in safety analyses to meet NRC requirements.*

UFSAR description of design functions may identify what SSCs are intended to do, when and how design functions are to be performed, and under what conditions. Design functions may be performed by safety-related SSCs or non-safety-related SSCs and include functions that, if not performed, would initiate a transient or accident that the plant is required to withstand.

As used above, "credited in the safety analyses" means that, if the SSC were not to perform its design function in the manner described, the assumed initial conditions, mitigative actions, or other information in the analyses would no longer be within the range evaluated (i.e., the analysis results would be called into question). The phrase "supports or impacts SSC functions" refers both to those SSCs needed to support other SSC design functions (cooling, power, environmental control, etc.) and to SSCs whose operation or malfunction could adversely affect the performance of design functions (for instance, control systems and physical arrangements). Thus, both safety-related and non-safety-related SSCs may perform design functions.

* Definition of design bases function from NEI 97-04, Appendix B (endorsed by DG 1093).

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June 12, 2000

MEMORANDUM TO: Cynthia A. Carpenter, Chief
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

FROM: Eileen McKenna, Senior Reactor Engineer/RA/
Generic Issues, Environmental, Financial
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Division of Regulatory Improvement Programs, NRR

SUBJECT: NOTICE OF MEETING WITH NUCLEAR ENERGY INSTITUTE (NEI)
REGARDING REVISIONS TO NEI 96-07 RESULTING FROM
COMMENTS ON DRAFT RG DG-1095 (ON 10 CFR 50.59)

DATE AND TIME: June 27, 2000
9 a.m. - 11:30 a.m.

LOCATION: U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852
Room O-10B4

PURPOSE: To discuss possible changes to Revision 1 of NEI 96-07, resulting from
public comments received on DG-1095 that proposed endorsement of the
NEI guidance for implementation of the (revised) 10 CFR 50.59. (See
attached agenda).

PARTICIPANTS*: NRC NEI
C.Carpenter A Pietrangelo
S. West R. Bell
E. McKenna Task Force Representatives
et al.

Project No. 689
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*Meetings between the NRC technical staff and applicants or licensees are open for interested
members of the public, petitioners, interveners, or other parties to attend as observers pursuant
to "Commission Policy Statement on Staff Meeting Open to the Public," 59 Federal Register
48344, 9/20/94. Members of the public who wish to attend should contact E. McKenna at
(301) 415-2189 or emm@nrc.gov.

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MEETING AGENDA

I. Introduction

II. Overview of public comments received in response to publication of draft RG NRC

III. NEI-Proposed revisions to NEI 96-07 (See NEI letter dated June 8, 2000) NEI
- design function definition
- guidance on "adverse effects"
- other clarifications

IV. Other areas for clarification in NEI 96-07 based upon NRC comments (to be determined from review of comments)

V. Next steps and schedule NRC/NEI

VI. Closing