

July 9, 2002

MEMORANDUM TO: Christopher Grimes, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs

FROM: David T. Diec, Project Manager */RA/*
Policy and Rulemaking Section A
Policy and Rulemaking Program
Division of Regulatory Improvement Programs

SUBJECT: SUMMARY OF PUBLIC MEETING WITH NUCLEAR ENERGY
INSTITUTE (NEI) AND AMERICAN SOCIETY OF MECHANICAL
ENGINEERS (ASME) ON SECOND PUBLISHED RIP50 OPTION 2
(10 CFR 50.69) DRAFT RULE LANGUAGE

The staff held a public meeting with industry groups and external stakeholders on June 18, 2002, to discuss comments received on staff's April 3, 2002, published draft rule language (10 CFR 50.69). The purpose of the meeting was to receive stakeholders and public feedback, and for the staff to explain the intent of applicable rule language. The meeting was attended by NRC staff, representatives of the Nuclear Energy Institute (NEI), American Society of Mechanical Engineers (ASME), vendors, and other stakeholders. A list of meeting attendees is attached.

The staff opened the meeting indicating that posting draft rule language for comment has been useful and feedback from stakeholders will be considered in the formulation of the next version of the draft rule language scheduled to be published on the NRC web site in July 2002. The staff, however, noted that it intends to finalize the draft rule language and initiate the formal rulemaking process after it posts the next draft of the rule (no further comments on rule language will be requested until the Commission publishes a proposed rule). The staff indicated that it will maintain a dialogue with interested stakeholders throughout the process.

The first portion of the meeting was a discussion of the comments provided by ASME in the letter dated June 17, 2002 (see attachment). ASME representatives explained their position and the intent of the comment letter. ASME comments in the June 17, 2002, focus on the draft rule language which removes certain ASME Code requirements for RISC-3 SSCs. ASME stated that risk-informed Code Cases applicable to §50.69 should not be directly referenced in the rule. However, ASME would only agree with the removal of ASME Code requirements for RISC-3 SSCs if a regulatory framework is developed that ensures the risk-informed ASME Codes Cases are used for RISC-3 SSCs, and that the Code Cases are used in their entirety. NEI representatives agreed that use of the ASME risk-informed Code Cases is important. The staff reiterated its current position regarding the issue of RISC-3 treatment, that it does not intend to specify or review the details of RISC-3 treatment and as a result, it is difficult to ensure the Code Cases are used per ASME's comment.

Representatives from NEI discussed and clarified the comments in its May 15, 2002, letter to the staff regarding specific portions of the draft rule language that they believe need modifications and clarifications such as the use of the word “pertinent” in paragraph (d) (3) for the requirement of RISC-3 SSCs. NEI indicated that its use does not adequately convey the intent of graded treatment measures for low safety-significance SSCs. The staff stated that it uses a similar wording in Appendix B to 10 CFR 50. However, the staff would revisit and determine whether such wording is applicable to low safety-significance SSCs.

The staff provided meeting attendees with a copy of the current proposed rule schedule and discussed the associated milestones and dates.

Attachments: As stated

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Summary: ML021900344

Att 1: ML021900357

Att 2: ML021900366

Att 3: ML021830219

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