

May 4, 2015

MEMORANDUM TO: Christopher M. Regan, Chief
Reactor Inspection Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

FROM: Aron Lewin, Reactor Operations Engineer **/RA/**
Reactor Inspection Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: PUBLIC MEETING WITH NEI TO DISCUSS PROPOSED
REVISION TO NUMARC 93-01

On January 20, 2015, the Nuclear Energy Institute (NEI) submitted a request to the U.S. Nuclear Regulatory Commission (NRC) to endorse a revision to NUMARC 93-01, Revision 4A (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15022A106). NUMARC 93-01 provides guidance for implementing Title 10 of the *Code of Federal Regulations* (10 CFR) 50.65, which is referred to as the "Maintenance Rule."

On April 20, 2015, the NRC staff met with members of NEI, as well as with other members of industry, to discuss NRC concerns with the January 20, 2015, proposal, and to solicit feedback on potential solutions. A public meeting notice was issued on April 6, 2015, and was posted on the NRC's external (public) web page (ADAMS Accession No. ML15096A195).

Enclosure 1 lists the meeting attendees. Enclosure 2 contains the meeting summary. Also attached is a proposed NUMARC 93-01 revision that NEI provided to address NRC concerns.

Enclosures:

1. Meeting Attendees
2. Meeting Summary

Attachment:

NEI NUMARC 93-01 Proposal

CONTACT: Aron Lewin, IRIB/DIRS
301-415-2259

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OFFICE	NRR/DIRS/IRIB	NRR/DIRS/IRIB	NRR/DIRS/IRIB
NAME	ALewin	CRegan	ALewin
DATE	5/4/2015	5/4/2015	5/4/2015

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MEETING ATTENDEE LIST

Name	Organization	E-Mail Address
Jerry Doughty	Ameren	JDoughty@ameren.com
Ken Heffner	Certrec Corporation	ken.heffner@certrec.com
Jana Bergman	Curtiss-Wright	jbergman@curtisswright.com
Al Elms	Dominion	allan.l.elms@dom.com
Vicky Harte	Dominion	vicky.harte@dom.com
Eric Tiffany	Entergy	etiffan@entergy.com
Steven McCoy	EPM	sfm@epm-inc.com
Steven Southard	EPM	sjs@epm-inc.com
Joe Curley	EPRI	joe_curley@bellsouth.net
Doug Hance	EPRI	dhance@epri.com
David Schupp	Exelon	david.schupp@exeloncorp.com
Barry Thurston	Exelon	barry.thurston@exeloncorp.com
Jim Zapetis	Exelon	james.zapetis@exeloncorp.com
Chris Demars	Exelon	christopher.demars@exeloncorp.com
Chuck Behrend	Exelon	chuck.behrend@exeloncorp.com
Titus Scott	FPL	Titus.Scott@fpl.com
Victoria Anderson	NEI	vka@nei.org
Mike Tschiltz	NEI	mdt@nei.org
Bill McTigue	PSEG	William.Mctigue@pseg.com
Thomas Zachariah	PWROG	zachart@pwrog.com
Scott Bauer	STARS Alliance	scott.bauer@starsalliance.com
Brad Dolan	TVA	bwdolan@tva.gov
Chuck Sibley	Xcel Energy	Charles.Sibley@xenuclear.com
Ayo Ayegbusi	NRC	Odunayo.Ayegbusi@nrc.gov
Stephen Campbell	NRC	Stephen.Campbell@nrc.gov
Charles Norton	NRC	Charles.Norton@nrc.gov
Tony Brown	NRC	Tony.Brown@nrc.gov
Aron Lewin	NRC	Aron.Lewin@nrc.gov
Ami Patel	NRC	Ami.Patel@nrc.gov
Lynn Mrowca	NRC	Lynn.Mrowca@nrc.gov
Sunil Weerakkody	NRC	Sunil.Weerakkody@nrc.gov
Jeffrey Mitman	NRC	Jeffrey.Mitman@nrc.gov
David Beaulieu	NRC	David.Beaulieu@nrc.gov
Mandy Halter	NRC	Mandy.Halter@nrc.gov
Allen Howe	NRC	Allen.Howe@nrc.gov

MEETING SUMMARY

The U.S. Nuclear Regulatory Commission (NRC) provided a presentation on concerns and considerations associated with the Nuclear Energy Institute's (NEI's) January 20, 2015, proposal to revise NUMARC 93-01. A copy of the NRC presentation (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15097A034) was included as an attachment in the April 6, 2015, public meeting notice.

Highlights of the NRC presentation included:

- An NRC proposal that non-safety related Diverse and Flexible Coping Strategies (FLEX) equipment, used solely in response to beyond-design-basis external events, and in accordance with Section 11.4 of NEI 12-06, Revision 0, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guidance," would not be in scope of the Maintenance Rule unless otherwise required by Paragraph 50.65(b).

As a result, subject to NRC rulemaking efforts to the contrary, FLEX equipment "integrated" into the Emergency Operating Procedures (EOPs) for use in beyond-design-basis external events would not be considered to be "used" in the EOPs per Title 10 of the *Code of Federal Regulations* (10 CFR) 50.65(b)(2)(i).

- A basis for the NRC proposal. EOP development is discussed in NUREG-0899, "Guidelines for the Preparation of Emergency Operating Procedures" (ADAMS Accession No. ML102560007), NUREG-0737, "Clarification of TMI Action Plan Requirements" (ADAMS Accession No. ML051400209), and NUREG-0737, Supplement 1, "Clarification of TMI Action Plan Requirements: Requirements for Emergency Response Capability" (ADAMS Accession No. ML051390367). When EOPs were developed, they were required to be consistent with the actions necessary to cope with analyzed transients and accidents.

FLEX "integration" into the EOPs is likely be required by on-going NRC rulemaking efforts associated with the Fukushima Dai-Ichi Accident. This would result in the EOPs directing entry into FLEX Support Guidelines (FSGs) during the occurrence of a beyond-design-basis external event. Rulemaking efforts are not likely to redefine EOP contents in a manner that deviates from historic EOP development (i.e. FSGs will not be considered to be a part of EOPs).

- An estimate of schedule and cost for review of a NUMARC 93-01 revision and endorsement via a Regulatory Guide. NRC review can range from one year / 280 hours to three years / 840 hours. Based on initial interactions, lower range is more likely.
- Interim NRC actions to be taken. With regards to 10 CFR 50.65(b)(2)(i), Section 8.2.1.3 of NUMARC 93-01 states,

Since the Maintenance Rule is a performance-based regulation, licensees have the flexibility to add or remove SSCs from the scope of 10 CFR 50.65(b) if an adequate technical basis exists for including or excluding the SSC in question.

The NRC program office will indicate to the regions that, given the above basis, adequate technical basis exists for excluding non-safety related FLEX equipment, if such equipment is used solely in response to beyond-design-basis external events, and in accordance with

Enclosure 2

Section 11.4 of NEI 12-06, Revision 0. The NRC will provide an update on the status of such communications at the May 20, 2015, Reactor Oversight Process (ROP) public meeting.

NEI provided a proposal similar in nature to the NRC's proposal. The NRC indicated that it would inform NEI by April 30, 2015, if the NEI proposal addressed the NRC's concerns. On April 30, 2015, the NRC informed NEI that their proposal appears to address NRC concerns.

NEI indicated that a revised draft of NUMARC 93-01 could be submitted to the NRC in the mid-May timeframe.

NEI requested that the meeting summary for the May 20, 2015, ROP public meeting contain a separate attachment that would discuss the status of interim NRC actions. NEI indicated that doing such would allow for greater ease in searching for the document in the future if needed. The NRC agreed to the request.