

June 27, 2016

MEMORANDUM TO: Kevin Hsueh, Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Joseph J. Holonich, Senior Project Manager /RA/
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SUBJECT: SUMMARY OF APRIL 28, 2016, MEETING ON DIGITAL
INSTRUMENTATION AND CONTROL

On April 28, 2016, U.S. Nuclear Regulatory Commission (NRC) staff met with representatives from the Nuclear Energy Institute (NEI). The purpose of the meeting was to discuss the NRC staff perspectives on NEI 96-07, Appendix D, "Supplemental Guidance for Application of 10 CFR 50.59 to Digital Modifications." Information related to the meeting including presentations and the attendees list can be found in the Agencywide Documents Access and Management System package accession number ML15278A175.

During the presentations, there were some questions about how Appendix D related to the base document, NEI 96-07, "Guidelines for 10 CFR 50.59 Implementation," and how the approach in Appendix D related to approaches in Appendices A, B, and C of NEI 96-07. The NEI representatives agreed to provide an evaluation of the relationship between Appendix D and the base document, NEI 96-07.

Also, the NEI representatives noted that NEI 96-07 is one endorsed approach for addressing Title 10 of the *Code of Federal Regulations*, Section 50.59 (10 CFR 50.59). In addition, they clarified that the other appendices were directed at different programs and as such, had different approaches than Appendix D.

Another topic discussed was the separation of guidance previously covered in NEI 01-01 including what is now covered in Appendix D and what is left to the technical report prepared by the Electric Power Research Institute.

The NEI representatives indicated that Appendix D is only focused on evaluating the specific licensing criteria in 10 CFR 50.59 for Digital Instrumentation & Control, and not the supporting technical methodologies, i.e., use of Appendix D guidance assumes sound engineering work has been completed and technical guidance is not within its scope. The NRC staff endorsed technical methods and associated regulatory positions are addressed in other existing regulatory documents. Therefore, NEI is not providing or referencing any technical methodologies (e.g., common cause failure susceptibility, and coping analyses) in Appendix D. The NRC staff expressed concerns with addressing only licensing process aspects and

expressed the desire to have meetings to harmonize understandings on the associated technical criteria.

The NEI representatives agreed to take another look at the terminology in Appendix D to make sure that terms used were "process" terms and not "technical" terms. They also indicated that they would review the Appendix D terms for consistency with those terms already widely used in the nuclear industry.

The NEI representatives clarified that a bullet item on NEI power point slide number 8 should read as follows:

Digital modifications will not automatically be classified as "fundamental changes to how a design function is performed or controlled."

Also discussed at the meeting was the need for any Regulatory Guide endorsing Appendix D to provide ways to do susceptibility analyses. This information is needed in order to help NRC regional inspectors understand how to conduct inspections of 10 CFR 50.59 evaluations.

It was agreed that a second meeting should be held to continue the discussions on Appendix D. An action was taken to schedule the second meeting in the June time frame.

- 1) The following action items were identified at the meeting. NEI would evaluate the relationship between Appendix D and the base document, NEI 96-07.
- 2) The NRC staff and NEI would schedule the next meeting in June with completion of initial NRC staff comments

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