



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
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March 20, 2017

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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Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JANUARY 11, 2017, MEETING TO DISCUSS  
DRAFT APPENDIX D OF NEI 96-07, "SUPPLEMENTAL  
GUIDANCE FOR APPLICATION OF 10 CFR 50.59 TO DIGITAL  
MODIFICATIONS"

On January 11, 2017, U.S. Nuclear Regulatory Commission (NRC) staff met with representatives from the Nuclear Energy Institute (NEI). The purpose of the meeting was to continue discussions of topics and issues related to Draft Appendix D of NEI 96-07, "Supplemental Guidance for Application of 10 CFR 50.59 to Digital Modifications," (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16126A197) Information related to the meeting can be found in the ADAMS package accession number ML16362A082.

The meeting mainly focused on clarification discussions of NRC staff comments on draft NEI 96-07 Appendix D, Screening Section. During the path forward discussion the NRC staff recommended that the next meeting scheduled for February 8, 2017, focus on technical aspects only and cover what goes into NEI 96-07, Appendix D at future meetings. Copies of all the information used in the meeting and a list of attendees can be found in the referenced ADAMS package.

Also during the meeting, staff asked NEI to state what were the most significant improvements industry would gain from draft Appendix D that were not already addressed in the main body of NEI 96-07. NEI responded that the two major areas of improvement specific to digital instrumentation and controls for draft Appendix D were in the areas of enhanced guidance for digital modifications involving (1) combinations of functions and (2) human-system interface (HSI) changes in screening modifications for further consideration under Title 10 of the *Code of Federal Regulations*, Section 50.59. NEI stated that the combinations of functions was a concern noted by the NRC staff in 2013 regarding the guidance on this topic presently contained in NEI 01-01.

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Another area of significant discussion during the meeting was the examples given in the screening section that demonstrated whether a change was adverse or not. The staff noted that some examples reached conclusions without a clearly delineated set of inputs involved in reaching the conclusions. Specifically it was identified that some examples assumed the outcomes of relevant technical evaluations without necessarily stating the existence of the technical evaluation(s) provided an output that led to the conclusion reached in the example.

NEI recognized the staff's concerns and took an action to re-review all the examples in the screening section to ensure that the examples clearly delineate thought processes involved in decision making. The staff also cautioned NEI that the guidance in Appendix D should not be written at the expert level such that steps in the decision-making process for screening had to be assumed and not clearly documented. Also during the meeting, the staff discussed with NEI its concerns regarding concepts of "fundamental change" and "graded approach" as well as guidance regarding HSI changes in the screening section.

NEI informed the staff during the meeting that it could not provide the revised draft Appendix D evaluation section prior to the February 8-9, 2017, public meeting. NEI is addressing comments on both the screening section and evaluation section concurrently. Therefore, it was agreed that NEI should focus on providing the revised evaluation section first and then the screening section.

Specifically NEI stated it could provide the revised evaluation section by February 17, 2017. NEI preferred to provide the revised evaluation section after the February 8-9, 2017 public meeting so that any feedback from those meetings could be incorporated into the revised evaluation section. NEI also suggested that the evaluation section be covered at the March 8, 2017, public meeting.

The NRC staff agreed with the new dates regarding the evaluation section. NRC staff will work with NEI to determine a new deliverable date for the revised screening section. In addition, the NRC staff agreed to provide NEI date for providing the formal NRC staff comments on the screening section.

There were no regulatory positions or major agreements reached in the meeting. During the discussion on open items, it was agreed that items 13, 23, 25, 26, 42, 44, 45, 46, 47, 49, and 51 of the "Public Meeting Items and Actions" list would be closed. In addition, the following new actions were identified:

- 1) In NEI 96-07, Appendix D, NEI will:
  - a) Clarify the language on the screening section discussing "introduction of software" as adverse;
  - b) Clarify the concept of combination of components;
  - c) Review and add clarification on the logic of examples;
  - d) In Appendix D, use the exact words from the main body of NEI 96-07, Revision 1;
  - e) Remove the word "fundamental" when discussing a "fundamental change;"
  - f) Remove the language on "graded approach" in the screening section and consider placing it into the evaluation section; and

- 2) Delete or consider moving examples 3-1 and 3-2 from the 3.1 "Introduction" subsection of the screening section. The NRC staff will provide a date by which NEI will get the formal comments.
- 3) NRC staff will coordinate with the human-factors engineering group to review any HIS-related comments on the screening section.

**SUBJECT: SUMMARY OF JANUARY 11, 2017, MEETING TO DISCUSS DRAFT APPENDIX D OF NEI 96-07, "SUPPLEMENTAL GUIDANCE FOR APPLICATION OF 10 CFR 50.59 TO DIGITAL MODIFICATIONS" DATED: March 20, 2017**

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