

June 15, 2017

MEMORANDUM TO: Dennis Morey, Chief
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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 MARCH 8, 2017, MEETING TO DISCUSS
DRAFT APPENDIX D OF NEI 96-07, "SUPPLEMENTAL
GUIDANCE FOR APPLICATION OF 10 CFR 50.59 TO DIGITAL
MODIFICATIONS"

On March 8, 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 ML17046A040.

The NRC staff opened the meeting by stating that it had decided to place on hold the development of the Interim Staff Guidance (ISG) discussed at the February 8/9, 2017, meeting (ADAMS Accession No.: ML17030A055). Rather, the NRC staff explained it was looking to develop durable guidance for Title 10 of the Code of Federal Regulations, Section 50.59 (10 CFR 50.59) related to auxiliary and support systems. Continuing, the NRC staff emphasized that this change would not impact its review of NEI 96-07, Appendix D or NEI 16-16, "Guidance for Addressing Digital Common Cause Failure," (ADAMS Accession No.: ML17033B139).

During the NEI presentation, a copy of which can be found in the reference ADAMS package, it was agreed that there was a need to clarify the terms, attributable, discernable, and negligible in the Evaluation Section of Appendix D of NEI 96 07. In addition, there was a question about whether there should be examples for auxiliary and support systems which are not included in an Updated Final Safety Analysis Report (UFSAR) accident analysis in NEI 96-07, Appendix D. NEI agreed that there should be and said that some would be added. Furthermore, there was agreement that clarification was needed on plant-level vs component-level effects for the evaluation guidance. These were listed as actions from the meeting.

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A second area of detailed discussion during the NEI presentation was on how alignment was achieved on a “credibility” analysis. NEI explained that initially a 10 CFR 50.59 practitioner would look to the technical experts to ask if an event was credible. If the answer was yes, then the practitioner would answer the 10 CFR 50.59 questions either quantitatively or qualitatively. NEI also committed to clarifying the relationship between the concepts of credibility, attributable and discernable as there is a “decision-tree” like relationship between these concepts that is not fully clear in the February 14, 2017, version of the evaluation section.

In the NRC presentation, also found in the referenced ADAMS package, there was a question of how the NRC staff planned to meet the schedule for issuing a clarification to Regulatory Information Summary (RIS) 2002-22. The NRC staff committed to provide the details on how the schedule would be met.

The NRC staff noted that its work on the RIS was being coordinated to obtain input from numerous NRC organizations including the regions. Also, the NRC staff committed to work closely with NEI, industry and stakeholders to obtain input on the RIS clarification during its development. During this discussion, some questions arose on the evaluation section in NEI 96-07, Appendix D. An action was taken to identify a path forward on the evaluation section once a revised version was provided, and NEI committed to provide a revision of the Evaluation Section by March 29, 2017.

Stakeholders provided several comments during the allotted time. One comment asked why the NRC staff did not fast track the evaluation of NEI 16-16. The stakeholder was concerned that resources expended on the ISG and RIS would have been better spent on reviewing NEI 16-16. The NRC staff stated that it was going to continue on its current path because industry indicated it wanted guidance by July 2017.

The stakeholder did commend the NRC staff for recognizing licensing issues had to be addressed and having a full-scope view of digital instrumentation and control activities. The stakeholder also commended the NRC staff for recognizing the tie between licensing and technical guidance and that the two should be developed in unison and not separately.

A second stakeholder stated that there had been a lot of work done in the defensive measures area by industry. The stakeholder said that a RIS clarification in July would be supported but industry wanted to make sure more uncertainty was not introduced in the process. The NRC staff agreed to communicate with industry and stakeholders throughout this process.

Finally, the NRC staff summarized part of Generic Letter [GL 84-01](#), “NRC use of the terms, ‘Important to Safety’ and ‘Safety Related’.” That is, an NRC staff conclusion that, pursuant to NRC regulations, nuclear power plant licensees are responsible for developing and implementing quality assurance programs for plant design and construction or for plant operation which meet the more general requirements of General Design Criterion (e.g., Criterion 1—Quality standards and records) for plant equipment ‘important to safety,’ and the more prescriptive requirements of 10 CFR part 50, Appendix B for ‘safety-related’ plant equipment.

In closing, NEI stated that this was one of the most productive meetings held with the NRC staff and was looking forward to the continued interactions in the process. The NRC staff cited its agreement with the NEI comment that this was one of the most productive sessions to date.

Actions from the meeting are:

- 1) Clarify the use of attributable, discernable, and negligible in the Evaluation Section of NEI 96-07, Appendix D.
- 2) NEI will add examples for auxiliary and support systems which are not included in a UFSAR accident analysis in NEI 96-07, Appendix D to clarify the evaluation guidance to illustrate the concepts of attributable, discernable, and credibility versus likelihood.
- 3) NEI will provide clarification on plant-level performance versus system-level and component-level in the Evaluation Section of NEI 96-07, Appendix D.
- 4) The NRC staff will provide feedback on additional input regarding what factors should be considered for accident frequency in the evaluation guidance.
- 5) The NRC staff will detail its schedule for issuing the RIS clarification.
- 6) Identify a path forward for the Evaluation Section once a revised version is provided to the NRC staff. A revision of the Evaluation Section should be provided to the NRC staff by March 29, 2017.

SUBJECT: SUMMARY OF MARCH 8, 2017, MEETING TO DISCUSS DRAFT APPENDIX D OF NEI 96-07, "SUPPLEMENTAL GUIDANCE FOR APPLICATION OF 10 CFR 50.59 TO DIGITAL MODIFICATIONS" DATED: JUNE 15, 2017

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***See previous concurrence NRC-001**

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