

August 16, 2017

MEMORANDUM TO: Dennis C. Morey, 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 JUNE 21, 2017, MONTHLY MEETING TO DISCUSS  
NEI 96-07, APPENDIX D

On June 21, 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 on draft NEI 96-07, Appendix D, "Supplemental Guidance for Application of 10 CFR 50.59 to Digital Modifications," (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16126A197). All information related to the meeting and discussed in this summary can be found in the ADAMS package Accession No.: ML17114A010.

In its opening remarks, NEI stated that there was some frustration in the industry because the completion of the draft NEI 96-07, Appendix D review was not moving forward as fast as was desired. NEI further stated industry was looking for discussions that would help identify the key challenges to getting NEI 96-07, Appendix D completed. In addition, NEI said that some alignment on NEI 96-07, Appendix D, consistent with industry's intended purpose and scope, was achieved in the April 19, 2017, meeting (ADAMS Package Accession No.: ML17061A160). However, industry was looking for a clearer vision on what needed to be done to complete the work on NEI 96-07, Appendix D.

The NRC staff suggested to NEI that both parties move towards a 'direct comment' format where staff and NEI make immediate edits to the document based on comments provided directly at a meeting. The recommended new format would still be conducted as a public

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meeting but would provide greater flexibility to resolve comments in a more efficient and timely manner. As a result of the discussion of the NRC staff comments on NEI 96-07, Appendix D, it was agreed that a meeting where direct editing of the document was performed would be useful. An action from the meeting was to schedule this meeting in the near future.

Following a short discussion on including electromagnetic/radio-frequency interference in screening guidance in NEI 96-07, Appendix D it was agreed the topic was addressed in evaluation guidance.

In the discussion of the alignment of NEI 96-07, Appendix D and NEI 16-16, [Draft 2], "Guidance for Addressing Digital Common Cause Failure," NEI sought clarity on the NRC staff statements that NEI 96-07, Appendix D and NEI 16-16 are tied together. NEI emphasized that the documents have a relationship to each other but are not tied together. Specifically, NEI 16-16 is one possible approach for completing the technical assessment of common cause failure (CCF); the outcome of which would be used in Title 10 of the Code of Federal Regulations, Section 50.59 review via the guidance in NEI 96-07, Rev. 1 and Appendix D. A copy of NEI 16-16 can be found in the referenced ADAMS package for this meeting.

NRC staff explained that it was hard to make progress on NEI 16-16 until it understood the document and its relationship to NEI 96-07, Appendix D. As part of this discussion, the NRC staff identified concerns with consistency of terminology and definitions contained within the draft NEI 96-07, Appendix D and their relationship to comparable terms in draft NEI 16-16. For example, NRC staff identified, and NEI agreed that that the term "bounding" had certain nuanced differences between draft NEI 96-07, Appendix D and draft NEI 16-16 and that it was not a one-for-one correlation.

It was agreed that a public meeting or workshop on the relationship of the two documents should be scheduled. It was also agreed that NEI would provide detailed examples that showed how the documents were related. An action from this discussion was to schedule a workshop as soon as possible.

NEI also stated that, with regard to draft Regulatory Issue Summary (RIS) 2017-XX (a supplement to [RIS 2002-22](#)) definitions and other potential key concepts, they would be open to adopting some of the draft RIS content into draft NEI 96-07, Appendix D considering that its content, such as definitions, would already be seen as acceptable to both NRC staff and Industry.

In the discussion of NRC staff comments on the evaluation guidance in NEI 96-07, Appendix D, an area for further discussion was identified: Based on the example [emphasis added] in NEI 96-07, Revision 1, Section 4.3.2, 5<sup>th</sup> paragraph.

*"Evaluations of a proposed activity for its effect on likelihood of a malfunction would be performed at level of detail that is described in the UFSAR [Updated Final Safety Analysis Report]. The determination of whether the likelihood of malfunction is more than minimally increased is made at a level consistent with existing UFSAR-described failure modes and effects analyses. While the evaluation should take into account the level that was previously evaluated in terms of malfunctions and resulting event initiators or mitigation impacts, it also needs to consider the nature of the proposed activity. Thus, for instance, if failures were previously postulated on a train level because the trains were independent, a proposed activity that introduces a cross-tie or credible common mode*

*failure (e.g., as a result of an analog to digital upgrade) should be evaluated further to see whether the likelihood of malfunction has been increased,”*

NRC staff stated that all analog to digital upgrades involving independent trains, introduce a credible CCF. Industry disagreed with the NRC staff position, stating the NRC staff is taking guidance out of context, and requested an NRC staff response with the basis for their position.

Additional actions that came from the discussions included: 1) the NRC staff will provide a clarified basis for its comments to make them more understandable; 2) an agendum will be added to a future meeting to discuss NEI 96-07, Revision 1, Section 4.3.6, “Does the Activity Create a Possibility for a Malfunction of an SSC [structure, system, component] Important to Safety with a Different Result?” where NEI will discuss the position regarding the concept of ‘bounding’ (i.e. plant-level result) with regard to this section; 3) the NRC staff will identify any additional human-system interface (HSI) factors to the four listed in Section 4.2.1.2, “Screening of Changes to Procedures as Described in the UFSAR,”; and 4) for example 4-20, NEI will look at using more of the NRC staff language and will consider removing the word “bounding.”

In the discussion of open items, the NRC staff reported that items 4, 12, 14, 15, 28, 32, 43, and 61 were now considered closed. It was agreed that items 65, 66, 69, 73, and 76 were closed as a result of the meeting. Item 70 was considered closed pending the receipt of the next set of NRC staff comments.

A stakeholder commented that he was concerned that this effort was not getting to the significant issue it should address. He stated that he was not sure what the most important issue was but was worried it was not being addressed.

Actions from the meeting are:

- 1) A workshop to cover the relationship of NEI 96-07, Appendix D and NEI 16-16 will be scheduled;
- 2) A meeting to conduct contemporaneous editing of NEI 96-07, Appendix D will be scheduled;
- 3) The NRC staff will provide a clarified basis for its comments to make them more understandable;
- 4) An agendum will be included in a future meeting for NEI to discuss the position on Section 4.3.6 of NEI 96-07, Revision 1;
- 5) The NRC staff will identify any additional HSI factors that it would recommend NEI address in NEI 96-07, Appendix D; and
- 6) NEI will consider the NRC staff language and consider removing “bounding” from Example 4-20.
- 7) The NRC staff will clarify their understanding from the language in NEI 96-07, Revision 1, Section 4.3.2, 5th paragraph.

D. Morey

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NEI 96-07, APPENDIX D DATED: AUGUST 16, 2017

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