



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

October 28, 2019

MEMORANDUM TO: Philip J. McKenna, Chief  
Oversight and Support Branch  
Division of Reactor Oversight  
Office of Nuclear Reactor Regulation

FROM: Tekia V. Govan, Project Manager **/RA/**  
Oversight and Support Branch  
Division of Reactor Oversight  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE PUBLIC MEETING ON THE DRAFT  
REGULATORY GUIDE 1.187, REVISION 2, THAT ENDORSES  
NUCLEAR ENERGY INSTITUTE 96-07, APPENDIX D, HELD ON  
SEPTEMBER 18, 2019

On September 18, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 2 public meeting with the Nuclear Energy Institute (NEI) to discuss the usability of 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. ML18338A389), as endorsed by draft Regulatory Guide (RG) 1.187, Revision 2, "Guidance for Implementation of 10 CFR 50.59, 'Changes, Tests, and Experiments'" (ADAMS Accession No. ML19045A435).

**Background**

The NRC staff issued for public comment draft RG 1.187, Revision 2, that will provide guidance on complying with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59 when performing a digital instrumentation and controls (digital I&C) modification. Specifically, NEI 96-07, Appendix D, Revision 0, was submitted to the NRC on November 30, 2018. As discussed in Section C of RG 1.187, the staff endorses NEI 96-07 and finds that it provides an acceptable approach for the application of 10 CFR 50.59 guidance when conducting digital I&C modifications, with certain exceptions and clarifications. Draft RG 1.187, Revision 2, was issued for public comment to facilitate the Commission's direction in the Staff Requirements Memorandum (SRM)—SECY-16-0070, "Staff Requirements—SECY-16-0070—Integrated Strategy to Modernize the Nuclear Regulatory Commission's Digital Instrumentation and Control Regulatory Infrastructure" (ADAMS Accession No. ML16299A157). The NRC staff has engaged the public, NEI, and industry

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representatives to improve the guidance for applying 10 CFR 50.59 to digital I&C-related design modifications as part of a broader effort to modernize the regulatory infrastructure for digital I&C. This meeting, on September 18, 2019, served as an additional opportunity to engage the public and the nuclear industry prior to the final evaluation of the public comments received and issuance of RG 1.187, Revision 2.

### **Meeting Summary**

The NRC and industry management made brief opening remarks, and introductions were made by all in attendance. The NRC staff presented the background for the submittal of NEI 96-07, Appendix D and its documented draft endorsement in RG 1.187, Revision 2 (ADAMS Accession No. ML19260F165). The presentation continued with a discussion on a list of topics, developed by the NRC staff, where additional clarification was needed to address NEI's comments on draft RG 1.187, Revision 2 (ADAMS Accession No. ML19198A323). The NRC staff developed a tracked change version of NEI 96-07, Appendix D, to assist in demonstrating how the guidance could be revised to address the staff's proposed exception in draft RG 1.187, Revision 2 and to meet the intent of supplemental guidance for digital I&C modifications (ML19260E543).

During this meeting the NRC staff also discussed the proposed exemption in RG 1.187, Revision 2, in that NEI 96-07, Appendix D, Section 4.3.6 (ADAMS Accession No. ML19254E467) should determine whether the impact of the "SSC malfunction" has a different result than any previously evaluated in the final safety analysis report, as updated, instead of a different result than previously evaluated in the "safety analysis."

The NRC staff did not make any decisions or took any agency positions during this meeting.

The enclosure provides the attendance list for this meeting.

### **Conclusion**

The meeting concluded with NEI stating that they would take into consideration the discussion with the NRC staff and review the staff's tracked change version of NEI 96-07, Appendix D. NEI will then inform the NRC of its next steps that may include, but are not limited to, providing a revision 1 to NEI 96-07, Appendix D.

Enclosure:  
As stated

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GUIDE 1.187, REVISION 2 THAT ENDORSES NUCLEAR ENERGY INSTITUTE  
96-07, APPENDIX D, HELD ON SEPTEMBER 18, 2019

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**ADAMS Accession No.: ML19297G592****\*= via email**

<b>OFFICE</b>	NRR/DRO/IRSB/PM*	NRR/DRO/IRSB*	NRR/DRO/IRSB/BC*
<b>NAME</b>	TGovan	BCurran	PMcKenna
<b>DATE</b>	10/24/2019	10/28/2019	10/28/2019

**OFFICIAL RECORD COPY**

## LIST OF ATTENDEES

### SUMMARY OF THE PUBLIC MEETING ON THE DRAFT REGULATORY GUIDE 1.187, REVISION 2 THAT ENDORSES NUCLEAR ENERGY INSTITUTE 96-07, APPENDIX D

September 18, 2019, 1:00 PM to 4:00 PM

NRC One White Flint North  
11555 Rockville Pike  
O-9B04  
Rockville, MD

#### ATTENDEE

#### ORGANIZATION

1. Rossnyev Alvarado	NRC
2. Pete LeBlond	LeBlond and Associates
3. Kate Austgen	NEI
4. Phil Couture	Entergy
5. Steven Arndt	NRC
6. Maxine Segarnick	NRC
7. Ray Herb	Southern Nuclear
8. Paul Kallan	NRC
9. Jana Bergman	Curtiss-Wright
10. Steve Geier	NEI
11. Bob Weisman	NRC
12. Phil McKenna	NRC
13. Neil Archambo	Duke Energy
14. Norbert Carte	NRC
15. Eric Benner	NRC
16. Dave Beaulieu	NRC
17. Manuel Crespo	NRC
18. Nancy Salgado	NRC

Enclosure

19. Robert Roche-Rivera	NRC
20. Jon Rund	NEI
21. Richard Stattel	NRC
22. Wendell Morton	NRC
23. Sheldon Clark	NRC
24. Ismael Garcia	NRC
25. Christina Antonescu	NRC
26. John Hernandez	Palo Verde
27. Tekia Govan	NRC