

**10 CFR 50.59 “Changes, tests, and experiments”/NEI 96-07  
“Guidelines for 10 CFR 50.59 Implementation” Initiative  
Working Group Project Charter**

**I. BACKGROUND:**

In 1999, the Nuclear Regulatory Commission (NRC) revised its regulation controlling changes, tests, and experiments (10 CFR 50.59) performed by nuclear plant licensees. These changes were prompted by the need to resolve differences in the interpretation of the rule’s requirements by the industry/Nuclear Energy Institute (NEI) and the NRC. NEI 96-07, “Guidelines for 10 CFR 50.59 Implementation,” Revision 1, was issued in November 2000 following this rule change and was endorsed by the NRC staff in Regulatory Guide (RG) 1.187, “Guidance for Implementation of 10 CFR 50.59, Changes, Tests, and Experiments.”

In 2020, NEI established a focus team to review 50.59 guidance and experience for improvement opportunities by performing the following: developing a cross walk between NEI 96-07, Revision 1 and 10 CFR 50.59; reviewing 50.59 violations from 2000 to present; and reviewing 50.59-related guidance including insights from Tornado Missile Resolution and Low Safety Significance Issue Resolution (LSSIR) memos. The result of this effort was the identification of three focus areas, as listed in Section III of this Charter.

At a public meeting on June 4, 2020 (ADAMS Accession No. ML20155K910), NEI and industry representatives presented topics for the staff’s consideration for a potential revision of NEI 96-07, Revision 1.

Following that meeting, an NRC working group was formed to actively engage with industry stakeholders through a series of public meetings regarding any potential revisions to NEI 96-07, Revision 1, or development of other regulatory or inspection guidance.

**II. PURPOSE:**

The working group will facilitate public meetings and interactions with the industry and external stakeholders to evaluate suggestions for changes, clarifications, and improvements to NEI 96-07, Revision 1, as well as related experience and recommendations provided by NRC staff.

The group will also identify pertinent agency documents (Inspection Manual Chapters (IMCs), Inspection Procedures (IPs), etc.) that may be affected by the group’s efforts.

**III. TASKING:**

Focus areas identified by industry for NRC engagement:

1. Clarifying the use of “more than minimal” as it pertains to 10 CFR 50.59;
2. Clarifying the application of General Design Criteria language contained within NEI 96-07, Revision 1; and
3. Clarifying application of methods of evaluations (MOE).

The working group will consider and address the above areas by:

- Conducting public meetings to discuss with stakeholders;
- Conducting internal meetings to evaluate industry’s proposal(s); and
- Briefing appropriate Division Directors, Office Directors, and Regional Administrators periodically.

After all areas have been addressed, the working group will:

- Develop comprehensive draft guidance, as appropriate, for internal and external comments/issuance; and
- Conduct training, as appropriate with Regional and HQ staff.

**IV. CHAIR/DEPUTY CHAIR FUNCTIONS**

- Schedule and lead meetings
- Ensure minutes are prepared and action items tracked
- Add subject matter expertise as needed to evaluate stakeholder insights
- Circulate draft products to members and stakeholders for review
- Notify responsible managers of charter modifications
- Provide periodic briefings to Regional Reactor Program Division Directors (e.g., as a part of the bi-weekly DRO call)
- Provide periodic status briefs to the NRR Office Director and the Regional Administrators.

**V. WORKING GROUP MEMBERSHIP**

CORE TEAM

Kenneth O'Brien, RIII, Deputy Regional Administrator (Chair) .....	(630) 829-9654
Greg Bowman, NRR/DRA, Deputy Director (Deputy Chair) .....	(301) 415-2744
Nathan Sanfilippo, NRR/DORL, Special Assistant (Deputy Chair) .....	(301) 415-8744
Derek Scully, NRR/DSS, (Technical Coordinator) .....	(301) 415-6972
Phil McKenna, NRR/DRO/IRSB, Branch Chief .....	(301) 415-0037
Tim Reed, NRR/DORL .....	(301) 415-1462
Anita Ghosh Naber, OGC, Senior Attorney .....	(301) 415-0764
Joseph McManus, OGC, Attorney .....	(301) 415-5356
Tekia Govan, NRR/DRO/IRSB (Project Manager) .....	(301) 415-6197
Kristy Bucholtz, NRR/DRA/APOB .....	(301) 415-0961
Mel Gray, RI/DRS/EB1, Branch Chief .....	(610) 337-5209
James Baptist, RII/DRS/EB1, Branch Chief .....	(404) 997-4506
Ann Marie Stone, RIII/DRS/EB1, Branch Chief .....	(630) 829-9729
Jeffrey Josey, RIV/DRP/RPB-A, Branch Chief .....	(817) 200-1148

SUBJECT MATTER EXPERT SUPPORT

Additional staff expertise may be needed to evaluate specific insights raised by stakeholders. As listed in Section IV of this Charter, the Chair/Deputy Chair may request subject matter expert support from across multiple offices on an as-needed basis.

**VI. DURATION**

The charter will remain in place until revised documents, as appropriate, are issued and training is completed as necessary.

**VII. LEVEL OF EFFORT**

Periodic meetings (or teleconferences) of the core team will be scheduled approximately weekly. In addition, public meetings (which may require travel, as appropriate given the COVID-19 pandemic) will be scheduled as below. Core team members will utilize CAC “A11017/L-2020-PMP-0004” or other appropriate designated CACs for working group activities.

Activity (Within Scope of Charter)	Target Date	Completion Date
Issue Charter	June 2020	June 2020
<p><b><u>Conduct Public Meeting #1</u></b>  Topic:  NEI to present Focus Area #1: Clarifying the use of “more than minimal” as it pertains to 10 CFR 50.59</p>	July 2020	
Brief Division Directors, Office Director, and Regional Administrators.		
<p><b><u>Conduct Public Meeting #2</u></b>  Topics:  NRC staff to give feedback on industry’s Focus Area #1 presentation  NEI to present Focus Area #2: Clarifying the application of GDC language contained within NEI 96-07, Rev. 1</p>	August 2020	
Brief Division Directors, Office Director, and Regional Administrators.		
<p><b><u>Conduct Public Meeting #3</u></b>  Topics:  NRC staff to give feedback on industry’s Focus Area #2 presentation  NEI to present Focus Area #3: Clarifying application of methods of evaluations (MOE)</p>	September 2020	
Brief Division Directors, Office Director, and Regional Administrators.		
<p><b><u>Conduct Public Meeting #4</u></b>  Topic:  Discuss, review, and prepare guidance document changes</p>	October 2020	
Brief Division Directors, Office Director, and Regional Administrators.	November 2020	
<p><b><u>Conduct Public Meeting #5</u></b>  Topic:  Present draft guidance documents for comment</p>	November 2020	
Resolve Comments	December 2020	
<p><b><u>Conduct Public Meeting #6</u></b>  Present final guidance documents</p>	December 2020	
Conduct Training to Regional and HQ staff	January 2021	

SUBJECT: CHARTER – 10 CFR 50.59 “Changes, tests, and experiments” INITIATIVE/NEI 96-07 “Guidelines for 10 CFR 50.59 Implementation” Dated: June 26, 2020

**DISTRIBUTION:**

RidsNrrOd Resource (I)	JYerokum, R-I
RidsRgn1MailCenter Resource	MShuaibi, R-III
RidsRgn2MailCenter Resource	MHay, R-IV
RidsRgn3MailCenter Resource	PMcKenna, NRR/DRO
RidsRgn4MailCenter Resource	TReed, NRR/DORL
RidsNrrDss Resource	ANaber, OGC
RidsNrrDra Resource	JMcManus, OGC
RidsNrrDorl Resource	KBucholtz, NRR/DRA
RidsNrrDro Resource	MGray, R-I
JJosey, R-IV	JBaptist, R-II
MFranke, R-II	AStone, R-III

**ADAMS Accession No.:** ML20177A381

\*via e-mail

OFFICE	NRR/DSS/SCP/B	NRR/DORL/SA	NRR/DRA/DD	R/III/DRA
NAME	DScully*	NSanfilippo*	GBowman*	KO'Brien*
DATE	06/25/2020	06/26/2020	06/26/2020	06/26/2020

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