

November 30, 1998

MEMORANDUM TO: Thomas H. Essig, Acting Chief
Generic Issues and Environmental Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

FROM: Stewart L. Magruder, Project Manager Original Signed By:
Generic Issues and Environmental Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MEETING HELD ON OCTOBER 15, 1998, WITH NEI
TO DISCUSS 10 CFR 50.54(a) RULEMAKING

Members of the NRC staff met with representatives of the Nuclear Energy Institute (NEI) and other interested parties in the NRC offices on October 15, 1998. The purpose of the meeting was to obtain recommendations for the development of a direct final rule that would supplement 10 CFR 50.54(a) to permit an alternate and more expeditious approach for licensees to effect changes to their quality assurance programs. A list of attendees is included as Attachment 1.

The staff presented its concepts for the proposed direct final rule as shown in Attachment 2. The initial criterion elicited the most discussion since it would permit adoption of a previously approved staff position as described in a safety evaluation report (SER) by another licensee without additional staff review. The staff position would include approval of a single alternative, up to, and including, a complete QA program description. Each alternative available for licensee adoption would be identified by the staff, possibly on a website. NEI and licensees indicated interest in this approach. The staff indicated that such positions are those most recently approved (i.e., since 1996) since prior staff positions generally do not have the benefit of an SER. The staff indicated willingness to provide an SER for other alternatives if interest was shown by licensees.

NEI and licensees present also indicated interest in the remaining five criteria, primarily those permitting organizational changes. No specific suggestions were offered by the invited participants.

The staff stated that its objective was to prepare the direct final rule for Commission consideration by the end of November. The staff requested that any suggestions from the industry be made available in a timely fashion.

Project No. 689

Attachments: As stated

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

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Generic Issues and Environmental Projects Branch
Division of Reactor Program Management
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Distribution: Mtg. Summary w/ NEI Re 10 CFR 50.54(a) Dated November 30, 1998

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TEssig

FAkstulewicz

SMagruder

LSpessard

SBlack

RGramm

FCostanzi

HTovmassian

WHaass

MSatorius, OE

STreby, OGC

GTracy, EDO

LIST OF ATTENDEES

<u>Name</u>	<u>Organization</u>
Tony Pietrangelo	NEI
Biff Bradley	NEI
Adrian Heymer	NEI
Terry Morton	CP&L
Robert Lawton	USEC
Robert Sheridan	BEC0
Steve Warren	Duke
Charles Peterson	MLB
Roger Huston	Licensing Support Services
Donald Chung	Sciencetech
Deann Raleigh	SERCH/Bechtel
Bob Gramm	NRC/NRR
Harry Tcvmassian	NRC/NRR
Walter Haass	NRC/NRR
Lee Spessard	NRC/NRR
Ken Heck	NRC/NRR
Suzanne Black	NRC/NRR
Stuart Treby	NRC/OGC
Mark Satorius	NRC/OE

NRC - NEI

Public Meeting

on

50.54(a) Rulemaking Petition

10/15/98

MEETING OBJECTIVES

- **NRC Staff to Present Concepts for Proposed Implementation in Near Term Regarding the NEI Petition for Rulemaking (Direct Final Rule Concept)**
- **Provide Opportunity for NEI, Licensees, and Other Interested Parties to Suggest Input for Staff to Consider on the Direct Final Rule Approach**

CURRENT STAFF THOUGHTS ON PETITION

- **Licensee Flexibility to Make QAP Changes Without NRC Review Should be Expanded Considerably**
- **50.59 Change Control is Not Viewed to be Appropriate as QAP Changes Cannot be Readily Correlated with USQ Criterion**
- **Accept Principle That 50.54(a) Needs Revision, Envision Alternative Approach to Accomplish that Goal**
- **Pursue a Direct Final Rulemaking to Provide Immediate Relief for all Licensees**
- **Pursue an Option that Could be Voluntarily Utilized by Licensees that Would Offer Further Relief Coupled with QAP Effectiveness Monitoring**
- **Voluntary Option to be Developed with Industry Input Through Meetings and Workshops**

DIRECT FINAL RULEMAKING

- Will Partially Resolve NEI Petition
- Provide Immediate Relief to All Licensees
- Identify set of Non-Controversial Criteria to Include in 50.54(a) that Would Expand the Scope of QAP Changes that Could be Made Unilaterally without NRC Review, Such as:

1. Use of a QA provision approved by an NRC safety evaluation for another licensee provided that similar conditions exist

Issues: What population of precedents is available; How would precedents and conditions of use be tracked; precedents to be identified by staff (website)

2. Use of consensus standard newly endorsed by NRC

Issues: Endorsement by RG to provide conditions, if any

DIRECT FINAL RULEMAKING - continued

- 3. Elimination of QAP text provisions that duplicate commitments embodied in Reg. Guides and Standards**

Issues: Direct correlation needs to be verified; greater burden on licensee staff to be familiar with guidance documents

- 4. Implement organizational changes that do not affect the required independence of the QA function**

Issues: Need to maintain separation of performing and verifying activities unless suitably controlled; guidance for determining adequacy of independence

DIRECT FINAL RULEMAKING - continued

5. Use of generic organizational and position titles

Issues: Position descriptions need to be provided per Criterion I of Appendix B

6. Use of generic organizational charts or descriptions to depict functional relationships

Issues: Flow of authority and responsibilities for QA functions must be presented

FUTURE ACTIONS

- **Finalize SECY Paper to Obtain Commission Approval to Proceed with Staff Recommendations**
- **Issue Direct Final Rule and Companion Proposed Rule and Seek Public Comments**
- **Should Significant Adverse Comment be Received, Direct Final Rule Will be withdrawn and Staff to Proceed with Standard Rulemaking**
- **Develop voluntary option rule predicated on interactions with stakeholders**



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