

November 14, 1997

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

FROM: Eileen McKenna, Senior Reactor Engineer Original Signed By:
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF NOVEMBER 13, 1997, MEETING WITH THE
LICENSING AND DESIGN BASES CLEARINGHOUSE

On November 13, 1997, David Matthews, Deputy Director of the Division of Reactor Program Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, met with attendees at the Licensing and Design Bases Clearinghouse at the Willard Hotel in Washington D.C. The Licensing and Design Bases Clearinghouse is a consortium of 23 nuclear utilities formed to follow NRC activities related to licensing and design bases issues

Mr. Matthews spoke to the meeting attendees on the status of NRC activities concerning to implementation of 10 CFR 50.59 (Changes, tests and experiments) and related issues. His presentation slides are provided in the attachment.

Attachment: Presentation Slides

cc: Mr. Randy Fitzgerald
Winston and Strawn
Counsel for Licensing and Design Bases Clearinghouse
1400 L Street
Washington D.C. 20005-3502

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

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STATUS OF ACTIONS ON IMPLEMENTATION OF 10 CFR 50.59 AND RELATED ISSUES

November 13, 1997

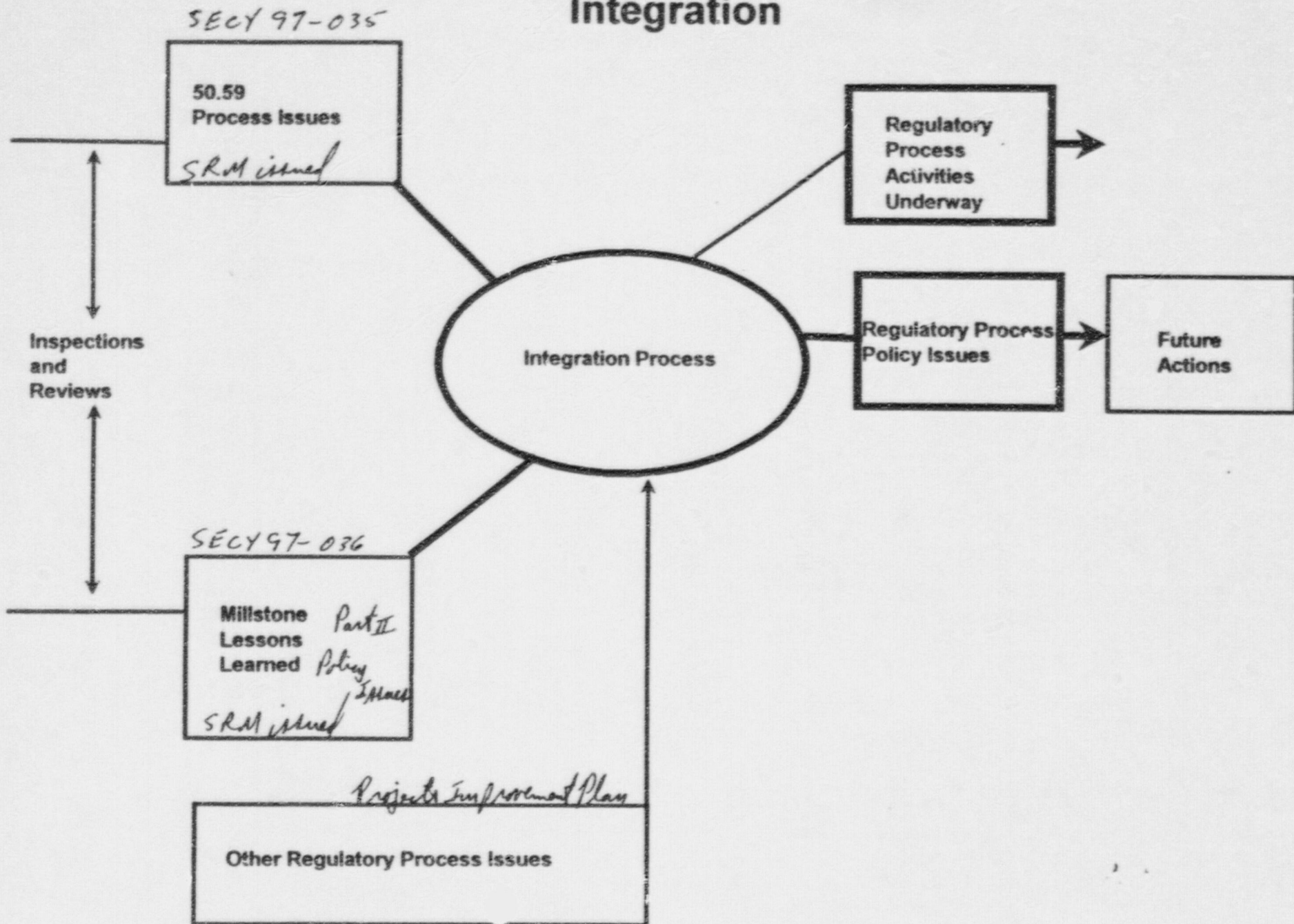
David B. Matthews

Office of Nuclear Reactor Regulation

BRIEFING OUTLINE

- **Background**
- **Overview of SECY-97-205**
 - public comments on NUREG-1606
 - integration process
 - development of recommendations
- **Discussion of staff recommended actions**

Integration



COMMISSION PAPER (SECY-97-205)

- **Contains an assessment of public comments on NUREG-1606**
- **Discusses progress made on short-term Millstone Lessons-Learned actions**
- **Presents options for regulatory improvements**
- **Provides a recommendation on how to proceed (Option 5)**

KEY ISSUES FROM COMMENTS

- Use of 50.59 for degraded and nonconforming conditions
- Plant restart if a USQ is involved
- USQ threshold criteria
 - margins and bases for any TS
 - probability may be increased
 - consequences may be increased
 - malfunction of a different type
- Definition of a change to the facility

ONGOING ACTIVITIES

- 50.59 Guidance and enforcement discretion
- SAR compliance and 50.59 reviews and inspections
- Engineering Inspections
 - AE team inspections
 - Safety system engineering inspections
- Process improvement plan activities, including NRC oversight of commitments relied upon (tracking and verifying)

INTEGRATION PROCESS

- **Identify NRR Commitments/Issues**
- **Resolve near-term regulatory problems**
- **Establish process for synthesis of issues**
- **Establish process for evaluation of options**
- **Develop options that target regulatory issues in a cohesive and comprehensive manner**

OPTION 5

- **GL 91-18/IMC 9900 Guidance on 50.59 role in resolution of degraded or nonconforming conditions**
- **10 CFR 50.59 Rulemaking**
- **Examination of enforcement policy for 10 CFR 50.59**
- **Guidance/rulemaking on SAR updating**
- **Development of risk-informed framework to revise existing regulations**

RULEMAKING ON 10 CFR 50.59

- Purpose is to provide stability and clarity
- Elements being developed for proposed rulemaking:
 - revision to USQ threshold criteria
 - clarification of definition of margin of safety
 - clarification of how margins are identified/basis
 - elimination of term "USQ"
 - clarification of "change to the facility"
- Scheduled for submittal to Commission in December 1997

ENFORCEMENT POLICY

- **October 1996 Policy revision established examples of severity levels for 50.59 and SAR update violations**
- **Re-evaluation of policy on severity levels for violations of 50.59 involving USQs and need for discretion**
- **Enforcement Review Panel for 50.59 violations**

GUIDANCE/RULEMAKING ON SAR CONTENT

- **Staff proposed to develop approach on SAR updating:**
 - to incorporate changes since initial licensing
 - to include a process by which information could be eliminated from SAR
 - to update more risk-significant information first
 - to consider enforcement discretion for full completion
- **Current Status**
 - Meeting with NEI; they propose to provide draft guidance on SAR updating in November
 - Staff developing generic letter for public comment

RISK-INFORMED FRAMEWORK

- **Increased use of risk-informed regulatory approaches and graded requirements**
- **Develop common scope of systems, structures and components subject to operational rules**
- **Requirements for corrective action processes, promptness and closure**
- **Staff to provide framework and ANPR to Commission for public comment in February 1998**