



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 8, 1999

MEMORANDUM TO: Cynthia A. Carpenter, Chief
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

FROM: Eileen M. McKenna, Senior Reactor Engineer *Eileen McKenna*
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF OCTOBER 6, 1999, MEETING WITH THE NUCLEAR
ENERGY INSTITUTE (NEI) ON DRAFT REVISION TO NEI 96-07 ON
IMPLEMENTATION OF 10 CFR 50.59

On October 6, 1999, a public meeting was held at the NRC offices in Rockville MD, between members of the Nuclear Energy Institute (NEI) and Nuclear Regulatory Commission (NRC) staff. Attachment 1 lists attendees at the meeting.

On September 17, 1999, NEI submitted a draft of NEI 96-07, Revision 1, for NRC review and comment, in parallel with circulating the document to the industry for comment. The document would be used by the industry to implement the revised requirements of 10 CFR 50.59. The purpose of this meeting was for the staff to ask questions and provide comments on the proposed document. The staff noted that it planned to provide a written reply, which might take a little longer than the October 18, 1999, date requested in the NEI letter.

Some specific questions about the document raised at the meeting are shown in attachment 2. The most significant topics discussed related to the applicability/screening discussion, and about criterion (viii), on methods of evaluation.

The staff asked for clarification about the difference between the applicability section and the screening discussion (and the flowchart). One distinction between applicability decisions and screening decisions is the need for documentation of the latter. The staff specifically asked about the inclusion of maintenance in the applicability determination (because there is another regulation (10 CFR 50.65)). The staff noted that 50.65 is not a "change control process", but agreed that it is another regulation that controls (along with TS), maintenance activities. What is key is the determination as to whether the activity being conducted is actually "maintenance" as compared to a change to the facility. Some guidance is presented to help in the decision as to whether a particular action is "maintenance." One factor that was noted is whether the end-state after "maintenance" is put back as it was with respect to the FSAR condition, or not.

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NEI also stated that they were interested in further discussion with the staff about the subjects of maintenance, and temporary changes (such as lifting of leads), in order to reach agreement with NRC as to which processes should be followed. Further, they also wanted to discuss the relationship between planned actions that might "voluntarily degrade" some aspect of the facility as part of maintenance, and the existing guidance for resolution of degraded/nonconforming conditions as discussed in Generic Letter 91-18, including the subject of compensatory actions. The revision of NEI 96-07 to be submitted later may have some revised discussion on these topics. These topics were deferred for later discussion.

There was considerable discussion about the topic of generic vs. plant-specific approval by the NRC for methods. NRC representatives stated that if a licensee wished to use a different method (under criterion (viii)), the approval by NRC would have to be generic, not for a specific licensee application. The staff noted that when a method is reviewed for a plant-specific purpose, the staff does not review the suitability of that method for all possible reactor types or applications, or all features of the methodology. The task force members stated that they thought this was an area in which the licensees should be allowed to assume the responsibility for demonstrating that their use of a method for a particular application is done consistent with any limitations, terms or conditions that have been placed on it (by the vendor, or by NRC through its review). They further stated that this issue had the potential to improve efficiency and effectiveness for both licensees and the staff. They noted that NRC would have the opportunity to monitor their actions through inspection (and the summary reports). NEI proposed that this topic be pursued in a separate meeting involving specialists in the methodology areas from industry and NRC, with some specific real examples, to see if there could be some agreement on guidelines or provisions by which this could be done.

Finally, NEI noted that there were past NRC generic communications that have included discussion about 10 CFR 50.59, and that they were assessing whether any of these documents present positions that are inconsistent with the revised requirements or planned guidance. A preliminary list that they developed is attached (Attachment 3).

Attachments: As stated

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NRC/NEI MEETING ON DRAFT REVISION TO NEI 96-07
LIST OF ATTENDEES
October 6, 1999

<u>NAME</u>	<u>ORGANIZATION</u>
Eileen McKenna	NRR/DRIP/RGEB
Frank Akstulewicz	NRR/DRIP/RGEB
Cindi Carpenter	NRR/DRIP/RGEB
Chris Jackson	NRR/DSSA/SRXB
Steven Dembek	NRR/DLPM/PDIV
John Knox	NRR/DE/EEIB
Stu Magruder	NRR/DRIP/RGEB
Mark Satorius	NRC/OEDO
Dick Hoefling	NRC/OGC
Tony Pietrangelo	NEI
Russell Bell	NEI
Everett Whitaker	TVA
Scott Bauer	APS
Roger Walker	TXCI
Nancy Chapman	SERCH/Bechtel
Joe Hegner	Virginia Power
John McGaw	Southern California Edison
Jack Haugh	EPRI
Bob Newkirk	Detroit Edison
Jim Kilpatrick	Baltimore Gas & Electric
Kim Green	Scientech/NUSIS

COMMENTS AND DISCUSSION ITEMS

Footnote on p. 25 (related to screening) - The staff asked the intent of this footnote, and NEI stated that they planned to remove this footnote.

Top of p. 33 (frequency of accidents) - The staff asked about the rationale for the proposed language concerning frequencies below $10E-7$, or "applicable regulatory threshold". The task force members noted that some licensees have as part of their licensing basis such values for particular events (tornado missiles, etc.). They therefore conclude that changes that increased the frequency more than 10%, but had an initiating frequency still below the established value, should still be "minimal". An NEI representative said they looked at the values in the Significance Determination Process Matrix, which suggests that the 10^{-7} value (for an initiating event) is very low.

p. 11 (and p.36) - The staff agrees with the guidance on p. 36 that changes to commitments on redundancy or diversity would not meet the "minimal increase" criteria, but suggested that it may be helpful to link such characteristics to the definition of "change" presented earlier.

p. 13 "essentially the same" - the staff noted that to apply "essentially the same" to results needs some demonstration, and suggested the guidance be more explicit.

p. 13 "approved by the NRC for the intended application" - As discussed in more detail in the meeting summary, the staff stated that the "approval" needs to be generic, not just for a specific plant. NEI wishes to pursue this issue further with the staff.

p. 29 Methods "referenced in the SAR" screening - the staff requested clarification on the guidance for handling changes to a method mentioned by name in the FSAR but without further description or reference to a topical or other information.

p. 37 second bullet under c. - The staff requested clarification on this point - NEI stated that they would modify the wording for clarity.

p. 53 second bullet about when a change in method is not a departure - The staff asked for clarification as to how this guidance would be used. This led to discussion about the example of containment backpressure as applied to NPSH calculations, and about input parameters (viewed as things that are measured) as compared to parts of the method (such as a calculated pressure, and how it is factored into subsequent analyses). NEI will examine the specific wording for possible clarification.

p. 45 Discussion about design basis limits - the first bullet discusses that such parameters are crucial to barrier integrity, where if exceeded, that information alone would be sufficient for the barrier's integrity to be questioned. The staff asked if this was too limiting language. NEI agreed to consider the staff's comment for possible clarification. The staff also offered certain other parameters as potentially being design basis limits, specifically, fuel burnup limit, linear heat rate, vessel heatup/cool-down limits, usage factors, and containment temperature. While the list in the document was noted to be only examples, NEI stated that they want the guidance to be as definitive as possible and would review to see if these parameters should be explicitly discussed as to whether they would or would not be design basis limits.

Appendix A - With publication of the rule, the staff noted that NEI should confirm that the rule language included in the appendix matches the final published language.

<u>Generic Communication</u>	<u>Title</u>	<u>Assessment—Action</u>
1) IEC-80-18	10 CFR 50.59 Safety Evaluations for Changes to Radioactive Waste Treatment Systems	Discusses philosophy toward 10 CFR 50.59 No action
2) IN-83-64	Lead Shielding Attached to Safety-Related Systems Without 10 CFR 50.59 Evaluations	IN not perfect but still valid. NEI 96-07 includes relevant example No action
3) IEB-80-10	Contamination of Nonradioactive System and Resulting Potential for Unmonitored, Uncontrolled Release to Environment	Superseded by GL-91-18, R1. Caution to consider Part 20 commitments in the ODCM. No action
4) GL-86-10	Implementation of Fire Protection Requirements	Need examples
5) GL-88-12	Removal of Fire Protection Requirements from TS	
6) IN 89-81	Inadequate Control of Temporary Modifications to Safety-Related Systems	IN still valid. No Action
7) IN 91-63,	Natural Gas Hazards at Ft St. Vrain	IN still valid. Consider highlighting need consider "external" activities under 10 CFR 50.59.
8) IN 95-46	Unplanned, Undetected Release of Radioactivity from the Exhaust Ventilation System of a Boiling Water Reactor	IN expressed valid concerns about poor 10 CFR 50.59 performance. No Action
9) IN 95-13	Potential For Data Collection Equipment to Affect Protection System Performance	IN expressed valid concerns about poor 10 CFR 50.59 performance. No Action
10) IN 96-17	Reactor Operation Inconsistent With the Updated Final Safety Analysis Report	
11) IN 97-28	Elimination of Instrument Response Time Testing Under The Requirements of 10 CFR 50.59	IN concern still valid. NEI 96-07, Section 1.5, is adequate
12) GL 93-08	Relocation of Technical Specification Tables Of Instrument Response Time Limits	Issue is adequately covered in NEI 96-07, R1
13) IN 97-60	Incorrect Unreviewed Safety Question Determination Related to Emergency Core	Issue adequately covered in NEI 96-07, 4.3.2, Item

	Cooling System Swapover From the Injection Mode to The Recirculation Mode	6.
14) IN 97-71	NRC Information Notice 97-71: Inappropriate Use of 10 CFR 50.59 Regarding Reduced Seismic Criteria for Temporary Conditions	
15) IN 97-78	NRC Information Notice 97-78: Crediting of Operator Actions in Place of Automatic Actions and Modifications of Operator Actions, Including Response Times	
16) GL 91-18, R1	NRC Generic Letter 91-18, Revision 1: Information To Licensees Regarding NRC Inspection Manual Section On Resolution Of Degraded And Nonconforming Conditions	GL still valid. 10 CFR 50.59-related guidance incorporated in NEI 96-07
17) GL-95-02	Use Of NUMARC/EPRI Report TR-102348, "Guideline On Licensing Digital Upgrades," In Determining The Acceptability Of Performing Analog-To-Digital Replacements Under 10 CFR 50.59	Add example to Sect. 4.3.6
18) GL 83-11, S1	NRC Generic Letter 83-11, Supplement 1: Licensee Qualification for Performing Safety Analyses	Pending
19) NEI 96-07 & NCAC-125	Guidelines for Performing 10 CFR 50.59 Safety Evaluations	Superseded

Distribution: Mtg. Summary w/ NEI Re Draft Revision to NEI 96-07 Dated October 8, 1999

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