

July 31, 2000

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

FROM: Stewart L. Magruder, Project Manager/**RA**  
Generic Issues, Environmental, Financial  
and Rulemaking Branch  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JULY 27, 2000, MEETING WITH THE NUCLEAR  
ENERGY INSTITUTE (NEI) ON REVISION TO NEI 97-04 ON  
DEFINITION OF 10 CFR 50.2 DESIGN BASES

On July 27, 2000, a public meeting was held at the Nuclear Regulatory Commission (NRC) offices in Rockville, MD, between members of the Nuclear Energy Institute (NEI) and NRC staff. Attachment 1 lists attendees at the meeting.

The purpose of the meeting was to discuss what revisions would be made to Appendix B of NEI 97-04 as a result of comments received on the draft Regulatory Guide (DG-1093) that proposed endorsement, with exceptions, of the NEI document. Appendix B of NEI 97-04 provides guidance and examples for identifying 10 CFR 50.2 design bases. Another purpose of the meeting was to discuss additional changes to the NEI document proposed by the NRC staff in a letter to NEI dated July 18, 2000.

The NRC staff opened the meeting with a brief discussion of the status of the project. It was noted that the draft guide was published for comment on April 12, 2000, and the comment period closed on June 15, 2000. The staff stated that it still intended to endorse the NEI guidance in a Regulatory Guide (RG) and that it would seek Commission approval to publish the RG this fall.

The group next discussed the comments received on DG-1093. The NRC received nine letters -- seven from utilities, one from NEI, and one from the NRC Region III office. The letters from the utilities all supported the draft guide and the comments submitted by NEI. The letter from NRC Region III provided editorial comments on the draft guide.

The next topic of discussion was the NEI comment letter dated June 15, 2000, that addressed the two regulatory positions in the draft guide. The first position was on Defense-in-Depth and NEI did not propose any changes to their document. The staff noted that there appears to be agreement between the staff and the industry on this issue and that the RG would probably not

C. Carpenter

include an exception for it. The second position was on the relationship of 10 CFR 50.2 design bases to updated final safety analysis reports. The group discussed the changes to this section of the guidance proposed by NEI in their June 15, 2000, letter. The NRC staff agreed that the changes were acceptable and that there would be no exception to this position in the RG.

The group next discussed the changes to the NEI guidance proposed by the staff in the letter dated July 18, 2000. The group first agreed that the changes were editorial in nature and that they generally improved the clarity of the guidance. The NEI staff noted that they had already incorporated the majority of the comments in a revision to the guidance and that, pending the discussion at this meeting, they intended to submit the revision to the staff for review and endorsement. The group briefly discussed the most significant editorial changes and agreed on almost all of them. As a result of this discussion, the NEI staff committed to slightly modify and then submit the revised guidance to the staff within a day or two of the meeting.

The meeting concluded with a discussion of the steps required to publish the RG. The NRC staff stated that the next milestone is a briefing for the ACRS on August 29, 2000, and invited the NEI staff to participate in the briefing. Following the ACRS briefing, the NRC staff intends to submit a Commission paper requesting permission to publish the RG. The NRC internal schedule calls for the paper and the RG to be provided to the Commission by October 31, 2000, however, the NRC staff stated that they believe that they will be done well before then. The NRC staff stated that their goal is to submit this paper to the Commission at approximately the same time as the paper forwarding the final guidance on implementing 10 CFR 50.59.

Attachment: As stated

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Distribution: Mtg. Summary w/ NEI Re Revision to Appendix B if NEI 97-04

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SUBJECT: SUMMARY OF JULY 27, 2000, MEETING WITH THE  
NUCLEAR ENERGY INSTITUTE (NEI) ON REVISION TO NEI  
97-04 ON DEFINITION OF 10 CFR 50.2 DESIGN BASES

NAME

DATE

1. S. Magruder \_\_\_\_\_
2. S. West \_\_\_\_\_
3. RGEB Secretary - dispatch \_\_\_\_\_

**PUBLIC MEETING ON DESIGN BASES GUIDANCE  
LIST OF ATTENDEES  
July 27, 2000**

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Eileen McKenna	NRR/DRIP/RGEB
Cindi Carpenter	NRR/DRIP/RGEB
Steve West	NRR/DRIP/RGEB
Frank Akstulewicz	NRR/DSSA/SRXB
Stu Magruder	NRR/DRIP/RGEB
Tim Johnson	NMSS/FCSS
Russell Bell	NEI
Tony Pietrangelo	NEI
Nancy Chapman	SERCH/Bechtel
Donald Ferraro	Winston & Strawn