

January 22, 2002

MEMORANDUM TO: Cynthia A. Carpenter, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

FROM: David T. Diec, Reactor Engineer/**RA**/
Policy and Rulemaking Section A
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF PUBLIC MEETING WITH STAKEHOLDERS,
INCLUDING NUCLEAR ENERGY INSTITUTE TO DISCUSS 10 CFR
50.69, "RISK-INFORMED TREATMENT OF STRUCTURES, SYSTEMS,
AND COMPONENTS," DRAFT RULE LANGUAGE

On January 9, 2002, NRC staff held a public meeting with stakeholders, including the Nuclear Energy Institute (NEI), to discuss the following topics.

- Staff's intent of 10 CFR Part 50.69, "Risk-Informed of Structures, Systems, and Components," draft rule language (as published for comment on November 29, 2001)
- Stakeholder comments on the draft rule language (list of comment letters received to-date is provided in Attachment 1).
- Possible areas in the rule for clarifications and revisions.

A list of meeting attendees is attached (Attachment 2).

The staff stated that the purpose of the meeting was to understand the stakeholder comments, discuss issues concerning the objectives of the draft rule language, and collect other information to aid the staff in its preparation of the proposed rule. The staff stated that its goal is to have the revised draft rule re-posted for information in February 2002. The staff also plans to provide its comments on the NEI guidance document on the categorization process (NEI-00-04) in February 2002. The staff indicated that it does not plan to endorse guidance associated with treatment of risk-informed safety class 3 (RISC-3) structures, systems, and components (SSCs), which are safety-related with low safety significance. The staff approach is to include program requirements in 10 CFR 50.69 to maintain the design basis function of RISC-3 SSCs (with discussion in the statement of considerations about what is to be performed by the licensee) but not be involved in the details of how the licensee achieves functionality of the SSC.

The meeting participants discussed the draft rule language and the staff provided clarifications about the intent of certain provisions of the rule language. Some stakeholders commented that the additional wording contained in some of the subsections was confusing in that it introduced differences in meaning about terms and processes already in use. NEI also provided the staff with proposed alternate language for Section 50.69(d)(2), requirements for RISC-3 structures, systems, and components (Attachment 3).

The staff agreed to consider clarifications for a number of areas associated with wording about the design control, procurement, maintenance, and corrective action processes to respond to comments from the stakeholders.

A number of stakeholders also stated that additional special treatment requirements should be included within the scope of 10 CFR 50.69. NEI made the arguments for the inclusions of 10 CFR 50.55a (codes and standards), Appendix A to Part 100 (equipment seismic qualification testing), and 10 CFR 54 (requirements for renewal of operating licenses for nuclear power plants).

NEI representatives questioned the need for a license amendment to implement 10 CFR 50.69. NEI argued that the approval process should be more like that for quality assurance program revisions or a letter of approval. They noted that if each individual plant implementation required an amendment, it would reduce any efficiencies gained by conducting a rulemaking and not represent a significant improvement when compared to processing additional exemptions. Finally, NEI reiterated that commitment management should be sufficient to handle possible changes regarding the implementation of 10 CFR 50.69 rather than establishing new change control mechanisms (such as the proposal in the draft rule language for a "reduced effectiveness" threshold for categorization process changes).

The staff agreed to consider all stakeholders comments as it prepares the proposed rulemaking package.

Attachments:

1. List of comment letters (with ADAMS accession numbers)
2. List of attendees
3. NEI proposed alternate rule language for Part 50.69(d)

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***see previous concurrence**

Accession#ML020230095 NRC-001

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COMMENTS RECEIVED ON DRAFT RULE LANGUAGE FOR 50.69 1/2/02

	Commenter	Date	ADAMS Accession number
1.	John Fuoto	12/20	ML013580017
2.	TVA	12/21	ML013580025
3.	NEI	12/13	ML013580029
4.	ASME	12/20	ML013580040
5.	Craig Sellers	12/26	ML020040096
6.	Nuclear Utility Group on Equipment Qualification	12/28	ML020040100

NRC/NEI Discussion on RIP50 Option 2 Draft Rule Language
January 9, 2002
List of Attendees

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