



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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November 7, 2016

MEMORANDUM TO: Kevin Hsueh, Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Joseph J. Holonich, Senior Project Manager /RA/
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF SEPTEMBER 21, 2016, MEETING TO DISCUSS
DRAFT APPENDIX D OF NEI 96-07, "SUPPLEMENTAL GUIDANCE
FOR APPLICATION OF 10 CFR 50.59 TO DIGITAL MODIFICATIONS"

On September 21, 2016, U.S. Nuclear Regulatory Commission (NRC) staff met with representatives from the Nuclear Energy Institute (NEI). The purpose of the meeting was to continue discussions of topics and issues related to Draft Appendix D of NEI 96-07, "Supplemental Guidance for Application of 10 CFR 50.59 to Digital Modifications." Information related to the meeting, including presentations, NEI 96-07, Appendix D, and the attendees list, can be found in the Agencywide Documents Access and Management System (ADAMS) package accession number ML16259A007.

The NRC staff opened the meeting by stating that the workshop format was helping address issues. NEI confirmed that position in its opening remarks by saying that the workshops had yielded some positive discussions. A parking lot item developed during the opening remarks was for the NRC staff to address what it means when it says a common cause failure (CCF) is beyond design basis.

At the meeting, NEI made the presentation found in the ADAMS package cited earlier. NEI discussed changes that would be made to NEI 96-07 to address comments and to align Appendix D with the structure of the NEI 96-07. During the presentation, the NRC staff and NEI representatives engaged in discussions.

Also discussed at the meeting were the three actions from the June 15, 2016, meeting on NEI 96-07, Appendix D (ADAMS Accession No.: ML16166A338). For the action related to NEI providing examples on how NEI 98-03, "Guidelines for Updating Final Safety Analysis Reports," was related to Title 10 of the *Code of Federal Regulations*, Section 50.59 (10 CFR 50.59) NEI

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stated that it can develop examples and discuss them at a future meeting, the NRC responded by stating that this guidance could be considered for inclusion in a "Documentation" section, but documentation should be the last topic of discussion.

It was agreed that there was a need to address topics such as coping and bounding analyses.

Another action identified was to include an agenda item at a future interaction to discuss "item No. 12" (ADAMS Accession No.: ML14255A059); how can a plant could use 10 CFR 50.59 to change to digital instrumentation and controls if the Final Safety Analysis Report had an analog design. It was also agreed that some examples could be developed. NEI noted that it would be better if the NRC staff identified the types of examples it wanted. This was an action from the meeting.

Parking Lot Items and Actions from the September 21, 2016, meeting are:

- 1) NRC & NEI both to describe their interpretation of what it means when it says a CCF is beyond the design basis.
- 2) Include three agenda items in a future meeting to: (1) present examples related to NEI 98-03; (2) discuss "item No. 12" (ADAMS Accession No.: ML14255A059); and (3) make a NRC staff proposal on what a graded approach could be.
- 3) NRC staff and NEI will establish a mechanism to report on the status of parking lot and actions from meetings.
- 4) The NRC staff will identify the types of examples that should be developed to show how 10 CFR 50.59 can be used to change to digital instrumentation and controls.

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