

**From:** [Govan, Tekia](#)  
**To:** [Govan, Tekia](#)  
**Subject:** FW: Additional NEI initial comments on draft RG 1.187 Rev 2  
**Date:** Thursday, May 21, 2020 7:42:24 AM

---

**From:** GEIER, Stephen <[seg@nei.org](mailto:seg@nei.org)>  
**Sent:** Tuesday, May 19, 2020 9:14 AM  
**To:** Benner, Eric <[Eric.Benner@nrc.gov](mailto:Eric.Benner@nrc.gov)>  
**Cc:** McKenna, Philip <[Philip.McKenna@nrc.gov](mailto:Philip.McKenna@nrc.gov)>; UHLE, Jennifer <[jlu@nei.org](mailto:jlu@nei.org)>; AUSTGEN, Kati <[kra@nei.org](mailto:kra@nei.org)>; VAUGHN, Stephen <[svj@nei.org](mailto:svj@nei.org)>  
**Subject:** [External\_Sender] Additional NEI initial comments on draft RG 1.187 Rev 2

Eric,

Yesterday I provided our higher priority comments on the draft RG 1.187, Revision 2, that was issued last week in advance of the ACRS DI&C subcommittee scheduled for Wednesday, May 20. To provide the more complete set of our comments, the following are additional comments we have developed on the clarification statements within the RG.

1. 2.a, final sentence can be misleading. Suggest it be reworded to be more clear and concise, such as: "In addition, NEI 96-07, Appendix D, Revision 1 is applicable to digital modifications only."
2. 2.b.ii, second paragraph, second sentence does not reflect the NEI 96-07, Rev. 1 guidance with proper context or a direct quote. Appropriate direct quotes from NEI 96-07, Rev. 1, with context, have already been included in App. D. Recommend deleting this sentence (beginning "Rather...").
3. 2.b.ii, second paragraph, third sentence includes "in addition to consideration of component and system level effects" which does not align with our understanding of alignment achieved between NRC and NEI. The sentence would be much clearer without this statement. An alternative would be to use "in lieu of," instead of "in addition to" to align more closely to our intent.
4. 2.c appears to state, by use of the phrase "should be used", that RIS 2002-22, Supplement 1 must be used for all digital activities and that it is the only approach that could be acceptable. Our preference would be to reword this section to be closer to the previous wording in the previous draft of DG-1356. We suggest rewording as follows: "RIS 2002-22 Supplement 1 is currently the only guidance the NRC has reviewed or endorsed as providing an acceptable technical basis to determine that the likelihood of software CCF is sufficiently low for the purpose of 10 CFR 50.59 evaluations and may be used in conjunction with NEI 96-07, Appendix D, Rev. 1."
5. 2.d characterizes the "two-prong test" as "new." While NEI 96-07, Rev. 1 does not articulate assessment of Criterion 6 in this detail, it is not entirely "new" as this is generally how licensees have approached it in practice for ~20 years. In the first paragraph, we suggest the word "new" be deleted from the first line. In the 2<sup>nd</sup> main paragraph, suggest 2<sup>nd</sup> sentence to be reworded as follows: "This guidance is not explicitly articulated in NEI 96-07, Rev. 1..."

6. 2.d, fifth paragraph, final sentence should be adjusted to match deletion of the sixth paragraph.

We look forward to further engaging on these, and the previously provided, comments toward reaching full alignment on the clarifications in RG 1.187, Revision 2.

Best regards,  
Steve

*This electronic message transmission contains information from the Nuclear Energy Institute, Inc. The information is intended solely for the use of the addressee and its use by any other person is not authorized. If you are not the intended recipient, you have received this communication in error, and any review, use, disclosure, copying or distribution of the contents of this communication is strictly prohibited. If you have received this electronic transmission in error, please notify the sender immediately by telephone or by electronic mail and permanently delete the original message. IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS and other taxing authorities, we inform you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed on any taxpayer or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.*

---

Sent through [www.intermedia.com](http://www.intermedia.com)