

March 14, 2024

Tania Martinez Navedo  
Director, Division of Engineering and External Hazards  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Request to Return and Replace Nuclear Energy Institute Technical Report NEI 20-07, “Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems”

**Project Number: 689**

Dear Ms. Martinez Navedo:

By letter dated February 12, 2024 (Agencywide Documents Access and Management Systems Accession No. ML24008A039), the U.S. Nuclear Regulatory Commission (NRC) denied the Nuclear Energy Institute (NEI) request to withhold NEI Technical Report NEI 20-07, “Guidance for Addressing Common Cause Failure in High Safety-Significant Safety-Related Digital I&C Systems,” Draft Revision E. Specifically, the NRC concluded that some of the information that NEI sought to redact from the document did not meet the requirements for withholding provided in 10 CFR 2.390. NEI respectfully requests the NRC return both the redacted and unredacted versions of NEI 20-07, Draft Revision E submitted by letter dated July 24, 2023 (Agencywide Documents Access and Management Systems Accession No. ML23205A188).

NEI is voluntarily providing NEI 20-07 to the NRC to support a request for NRC review of recommendations to address the new, expanded digital I&C common cause failure policy, SRM-SECY-22-0076. The NRC accepted NEI 20-07 for review by letter dated October 25, 2023 (Agencywide Documents Access and Management Systems Accession No. ML23219A167).

NEI has modified the redactions in NEI 20-07, Draft Revision E taking into account the considerations communicated in the NRC’s February 12, 2024, response to our initial submittal. The modified redactions are now limited to material that describes elements of the safety case structure, which is unique to NEI 20-07, Draft Rev. E. Previous draft revisions of NEI 20-07 that were publicly docketed did not provide the safety case structure. The safety case structure integrates regulatory policy, international safety case standards, and EPRI products to demonstrate that licensees have reasonably addressed common cause failures in digital safety systems. The general descriptions of these processes are public and are not included in the modified redactions. The unique safety case developed by NEI and the way the output

documentation from the EPRI products supports the safety case developed by NEI is considered confidential information. NEI requests that the NRC withhold from public disclosure the NEI 20-07 Draft Revision E attached to this letter because it contains confidential commercial information owned by NEI.

A copy of the affidavit submitted in support of this nondisclosure request is included as Attachment 1 to this letter. The affidavit sets forth the basis on which the information should be withheld from public disclosure and addresses applicable factors in 10 CFR 2.390(b). A copy of NEI 20-07, Draft Revision E is marked as required by 10 CFR 2.390(b) and is included as Attachment 2 to this letter. A copy of NEI 20-07, Draft Revision E containing the modified redactions described above is attached to this letter as Attachment 3, and is suitable for public disclosure.

The unredacted version of NEI 20-07 Draft Revision E attached to this letter is provided for the internal use of NRC only and may be used only for the purpose for which it is being released by NEI. The unredacted version of NEI 20-07, Draft Revision E should not be otherwise used or disclosed to any other persons without prior written permission from NEI. Accordingly, we respectfully request that the NRC withhold the unredacted version of NEI 20-07, Draft Revision E provided as Attachment 2 to the letter from public disclosure in accordance with 10 CFR 2.390.

If the NRC determines that the unredacted version of NEI 20-07, Draft Revision E provided as Attachment 2 to this letter cannot be withheld pursuant to 10 CFR 2.390, then we respectfully withdraw the document and request that it be returned pursuant to 10 CFR 2.390(c)(3).

Please contact me at [adc@nei.org](mailto:adc@nei.org) with any questions concerning this nondisclosure request or the contents of the letter.

Sincerely,



Alan Campbell

Attachments:

Attachment 1 Affidavit

Attachment 2 NEI 20-07

Attachment 3 NEI 20-07, redacted and suitable for public disclosure

c: Michael Marshall (NRR/DORL/LPL1)  
Jason Paige (NRR/DEX/ELTB)  
NRC Document Control Desk