

February 16, 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: /s/ Eileen M. McKenna, Senior Reactor Engineer  
Generic Issues, Environmental, Financial  
and Rulemaking Branch  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF FEBRUARY 9, 2000, MEETING WITH THE NUCLEAR  
ENERGY INSTITUTE (NEI) ON REVISION TO NEI 96-07 ON  
IMPLEMENTATION OF 10 CFR 50.59

On February 9, 2000, a public meeting was held at the NRC offices in Rockville MD, between members of the Nuclear Energy Institute (NEI), and Nuclear Regulatory Commission (NRC) staff. Attachment 1 lists attendees at the meeting.

On January 18, 2000, NEI submitted NEI 96-07, final draft Revision, for NRC review and comment. The NRC sent NEI a letter with questions and comments concerning this document on February 4, 2000. The purpose of this meeting was to discuss these comments and a plan for resolution to support issuance of a draft regulatory guide. To meet the staff's current schedule, the draft RG (and thus the NEI guidance document that the staff hopes to endorse) needs to be ready by mid-March.

The first topic was the NEI proposal to handle changes to fire protection plans using the license condition language, and not with a section 50.59 evaluation. The staff asked questions about how records would be maintained and about reporting (per 50.71(e) for updates to the FSAR). This item was taken under advisement by the staff.

The second topic discussed was the revised proposal concerning the relationship of maintenance rule requirements (specifically section 50.65(a)(4)) to certain activities that are viewed as "changes" to plant configurations. The staff has concerns about how certain evolutions that might occur at a plant "associated with maintenance" should be evaluated, and whether the safety assessment under 50.65(a)(4) would be sufficient. For example, if heavy loads were transported, or physical barriers removed, or shared systems impacted, would the assessment required by 50.65(a)(4) examine the effects upon the safety analyses. NEI stated that they thought the reviews required for design control, compliance with TS, and the maintenance rule assessments, are the best means to evaluate such changes particularly as they account for the time and overall plant configuration. The staff is still evaluating this proposal for consistency with all applicable regulatory requirements.

The third topic was the NEI-proposed guidance for screening of changes with respect to whether they affect a design function, which includes a definition of "design function." The staff had previously questioned whether the guidance was clear that this was a broad view of possible functions, and how consistently the guidance would be applied. This concern was raised by some aspects of the examples. There was also discussion about how "affects" should be considered; if there is no adverse effect, should this still be viewed as "affects" and thus require an evaluation as compared to a screening. Following the discussion, the staff asked NEI to reexamine its definition for possible improvement, and the staff agreed to reconsider the examples and its comments based upon the discussion during the meeting.

For design basis limits, the staff disagreed with the proposal for handling "subordinate" parameters, which would not themselves be treated as design basis limits, but be examined with respect to their effect on the design basis limit. Some examples were fuel burnup and RCS usage factors. The staff view was that if there was a parameter in the FSAR with a numerical limit so closely associated with integrity of a fission product barrier, it is a design basis limit. The staff also disagreed with the proposal to have the design basis limit for fuel as "95/95 DNB." The staff believes that the specific value(s) for a plant (based upon their fuel design) should be used, not the confidence level to be met (using the applicable correlations). NEI agreed to modify their guidance in response to these comments.

The remaining issues were also discussed and general agreement was reached with respect to the nature of the clarification that would be appropriate. For example, for item 9, the guidance is expected to reflect the idea contained in the staff comment that if differences (in the application or plant) are relevant, the method is not "approved for the intended application." It was also suggested that some of the examples would be improved by being comparative, that is, to present a case where a change would be reviewable under one set of circumstances, and not under different circumstances.

The proposals in the guidance to allow greater use of screening reviews compared to "full 50.59" evaluations reflect the relative administrative burdens of these two activities. NEI stated that there was interest in exploring possible changes to the review processes, such as which changes require review committee approval, that might be effective in reducing unnecessary burden.

In summary, it was agreed that for a few items as noted above, the proposals were still under evaluation by the staff and feedback would be provided later. For several others, NEI agreed to review and clarify as needed their guidance in response to the staff comments. The last two comments were characterized as longer-term actions not needed to support the draft RG. A tentative schedule for submittal of a revised document of February 22 was discussed.

Attachment: As stated

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The proposals in the guidance to allow greater use of screening reviews compared to "full 50.59" evaluations reflect the relative administrative burdens of these two activities. NEI stated that there was interest in exploring possible changes to the review processes, such as by limiting the types of changes that would require review committee approval, that might be effective in reducing unnecessary burden.

In summary, it was agreed that for a few items as noted above, the proposals were still under evaluation by the staff and feedback would be provided later. For several others, NEI agreed to review and clarify as needed their guidance in response to the staff comments. The last two comments were characterized as longer-term actions not needed to support the draft RG. A tentative schedule for submittal of a revised document of February 22 was discussed.

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Distribution: Mtg. Summary w/ NEI Re January 18, 2000 Revision of NEI 96-07

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BSheron

DMatthews/SNewberry

CCarpenter

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ORIGINATOR: Eileen McKenna x2189 O-11-F-1

SUBJECT: SUMMARY OF MEETING WITH NEI ON FEBRUARY 9,  
2000, ON REVISION TO NEI 96-07 CONCERNING  
IMPLEMENTATION OF 10 CFR 50.59

NAME	DATE
1. <u>E. McKenna</u>	_____
2. <u>S. West</u>	_____
3. <u>RGEB Secretary - dispatch</u>	

**NRC/NEI MEETING ON DRAFT REVISION TO NEI 96-07  
LIST OF ATTENDEES  
February 9, 2000**

<u>NAME</u>	<u>ORGANIZATION</u>
Eileen McKenna	NRR/DRIP/RGEB
Scott Newberry	NRR/DRIP
Cindi Carpenter	NRR/DRIP/RGEB
Jared Wermiel	NRR/DSSA/SRXB
Steve West	NRR/DRIP/RGEB
Frank Akstulewicz	NRR/DSSA/SRXB
Stu Magruder	NRR/DRIP/RGEB
Christopher Jackson	NRR/DSSA/SRXB
Dick Hoefling	NRC/OGC
Eric Weiss	NRR/DSSA/SPLB
Ed Connell	NRR/DSSA/SPLB
Wayne Scott	NRR/DIPM/IQMB
Russell Bell	NEI
Tony Pietrangelo	NEI
Nancy Chapman	SERCH/Bechtel
James Kilpatrick	BGE
Leslie Collins	ABB CENP
Guy Cesare	Enercon Services, Inc.
Don Ferraro	Winston and Strawn