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Subject: FW: NEI initial comments on draft RG 1.187 Rev 2
Date: Thursday, May 21, 2020 7:42:42 AM

From: GEIER, Stephen <seg@nei.org>
Sent: Monday, May 18, 2020 12:57 PM
To: Benner, Eric <Eric.Benner@nrc.gov>
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Subject: [External_Sender] NEI initial comments on draft RG 1.187 Rev 2

Eric,

The NEI team has done an initial review of 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.

While we have identified several comments on the clarification statements within the RG, in the interest of timely communications we wanted to share summary comments on the sections that are of primary concern. These are provided below:

1. 2.d, fourth and sixth paragraphs appear to bring Criterion 8 guidance into Criterion 6. NEI has been clear that each criterion serves a specific purpose, any "yes" to a 10 CFR 50.59(c)(2) criterion requires NRC prior approval to implement, and nothing in Section 4.3.6 guidance is meant to challenge Section 4.3.8 guidance. Specifically, NEI 96-07, Appendix D, Section 4.3.8 states, "There is no unique guidance applicable to digital modifications for responding to this Evaluation criterion because activities involving methods of evaluation do not involve SSCs. The guidance in NEI 96-07, Section 4.3.8 applies."
 - a. The end of the fourth paragraph should state, "...existing analyses remain valid both to conduct any new analyses and to compare the results."
 - b. The sixth paragraph, beginning, "In the context of this test," should be deleted in its entirety.
 - c. The final sentence in the sixth paragraph is unacceptable to the industry; in public meetings throughout the effort to develop and align on NEI 96-07, Appendix D, NEI and NRC clearly stated that Criterion 2 covers *required* redundancy, diversity and defense-in-depth and this is reflected in Section 4.3.2. Just as Section 4.3.6 is focused on Criterion 6 not Criterion 8, it is not meant to address Criterion 2 either.
2. 2.d, eighth paragraph, NEI strongly encourages the deletion of this paragraph as licensee subject matter experts/practitioners in both 10 CFR 50.59 and safety analyses work together and already know what constitutes the UFSAR for 10 CFR 50.59 and the appropriate process for examining/performing safety analyses as relates to acceptance criteria. This paragraph does not provide clarification.
 - a. If this paragraph must be retained, then the second sentence should be replaced with, "NEI 96-07, rev. 1, Section 3.7, states "The scope of the UFSAR includes its text, tables, diagrams, etc., as well as supplemental information explicitly incorporated by reference."" Also, the last sentence, beginning, "However, licensees..." should be deleted as it is not necessary.
3. 2.d, ninth (final) paragraph should be deleted for the same reason as bullet 2 above.

This paragraph does not provide clarification.

We wanted to get these comments to you in advance of the ACRS. Other comments on the remainder of the draft RG will be transmitted in the near future.

Best regards,
Steve

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