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[7590-01-P]

NUCLEAR REGULATORY COMMISSION

[NRC-2026-5248]

Draft Revisions to Regulatory Issue Summary and Supplement: Use of EPRI/NEI Joint Task Force Report, Guideline on Licensing Digital Upgrades: EPRI TR-102348, Revision 1, NEI 01-01: A Revision of EPRI TR-102348

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft revision to Regulatory Issue Summary (RIS) 2002-22, Use of Electric Power Research Institute (EPRI)/Nuclear Energy Institute (NEI) Joint Task Force Report, “Guideline on Licensing Digital Upgrades: EPRI TR 102348, Revision 1, NEI 01-01: A Revision of EPRI TR 102348,” and draft revision to RIS 2002-22, Supplement 1, “Clarification on Endorsement of Nuclear Energy Institute Guidance in Designing Digital Upgrade in Instrumentation and Control Systems.” These proposed changes are being made to help facilitate increased licensee implementation of digital upgrades and replacements for higher safety significant systems by eliminating perceived barriers in versions of the above-mentioned guidance. The effect is to ensure licensees have a clearer path forward to safely implement modern digital technology for higher safety significant systems through the existing changes processes.

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the **Federal rulemaking website**:

- **Federal rulemaking website:** Go to https://www.regulations.gov and search for Docket ID NRC-2026-5248. Address questions about Docket IDs in regulations.gov to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the "For Further Information Contact" section of this document.

- **Mail comments to:** Office of Nuclear Material Safety and Safeguards, Mail Stop: TWFN-5-A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Guidance and Publication Branch.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Michael Marshall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2871; email: Michael.Marshall@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2026-5248 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to https://www.regulations.gov and search for Docket ID NRC-2026-5248.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at https://www.nrc.gov/reading-rm/adams.html. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The draft revision to RIS 2002-

22 is available in ADAMS under Accession No. ML26155A154. The draft revision to RIS 2002-22, Supplement 1 is available in ADAMS under Accession No. ML26155A155.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the **Federal rulemaking website** (https://www.regulations.gov). Please include Docket ID NRC-2026-5248 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at https://www.regulations.gov as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC's mission is to protect public health and safety and advance the Nation's common defense and security by enabling the safe and secure use and deployment of civilian nuclear energy technologies and radioactive materials through efficient and reliable licensing, oversight, and regulation for the benefit of society and the environment.

RIS 2002-22 endorses EPRI/NEI Joint Task Force report entitled, “Guideline on Licensing Digital Upgrades: EPRI TR 102348, Revision 1, NEI 01-01: A Revision of EPRI TR 102348 To Reflect Changes to the 10 CFR 50.59 Rule,” for use as guidance in designing and implementing digital upgrades to instrumentation and control systems. RIS 2002-02, Supplement 1, that clarifies the guidance on qualitative assessment of software common cause failure (CCF) in digital instrumentation and control (DI&C) upgrades under section 50.59 of title 10 of the *Code of Federal Regulations* (10 CFR). 10 CFR 50.59 describes the circumstances that a licensee can make proposed changes to a facility without prior NRC approval. The draft revision to the RIS and its supplement (1) removes language perceived to preclude the licensees’ ability to perform DI&C modifications to or replacements of reactor protection system (RPS) and engineered safety features actuation system (ESFAS) under 10 CFR 50.59, (2) encourage the licensees to use the most recent applicable versions of guidance documents, and (3) “failure,” and “failure of a proposed digital modification” were replaced with software CCF failure. In the following section are examples of the language that was removed from the RIS or its supplement, because it gave a mistaken impression that the RIS and its supplement restricted making digital modifications to RPS and ESFAS under 10 CFR 50.59.

> In particular, the staff believes that when using the submittal as guidance for the analysis of digital modifications of some safety-significant systems such as the reactor protection system and engineered safety features actuation systems, it is likely these digital modifications will require staff review when 10 CFR 50.59 criteria are applied.
>
> and
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> However, the staff believes that when using the submittal as guidance for the analysis of digital modifications of some safety-significant systems such as the RPS and ESFASs, it is likely these digital modifications will require prior staff review when 10 CFR 50.59 criteria are applied.
>
> and
>
> This RIS supplement is not directed toward digital I&C replacements of the reactor protection system, the engineered safety features actuation system, modification/replacement of the internal logic portions of these systems (e.g., voting logic, bistable inputs, and signal conditioning/processing) because application of the guidance in this RIS

supplement to such changes would likely involve additional considerations.

The recommendation to use current guidance was added because NEI 01-01 was written in 2001 and was evaluated by the NRC in 2002 using the light water reactor standard review plan (SRP) dated 1997. The SRP and associated regulatory guides and endorsed consensus standards published prior to 1997 have been revised. The replacement of failure with software CCF was made to make clear that the qualitative assessment guidance in the RIS supplement is intended to address software CCF.

III. Proposed Action

The NRC is requesting public comments on the draft revision to RIS 2002-22 and draft revision to Supplement 1. All comments that are to receive consideration in the final RIS must be submitted electronically or in writing as indicated in the ADDRESSES section of this document. The NRC staff will make a final determination regarding issuance of the RIS after it considers any public comments received in response to this request.

IV. Executive Order (E.O.) 12866

The Office of Information and Regulatory Affairs determined that this draft RIS is not a significant regulatory action under E.O. 12866.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: November 17, 2026.

Marc Ferdas,
Acting Director,
Division of Reactor Inspection Support,
Office of Chief Nuclear Reactor Inspector.
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