



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 13, 2019

MEMORANDUM TO: Dennis C. Morey, Chief  
Licensing Processes Branch  
Division of Licensing Projects  
Office of Nuclear Reactor Regulation

FROM: Lynnea Wilkins, Project Manager */RA/*  
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SUBJECT: SUMMARY OF FEBRUARY 15, 2019, MEETING TO DISCUSS  
NEI's PERSPECTIVE OF ASME CODE COMPLIANCE AND  
OPERABILITY DETERMINATIONS

On February 15, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 2 meeting with representatives from the Nuclear Energy Institute (NEI) and industry. The purpose of the meeting was for NEI to present its perspective regarding ASME code compliance and operability determinations. All information related to this meeting and discussed in this summary can be found in the ADAMS package under Accession No. ML19043A746.

The NRC opened the meeting by reiterating that the NRC is not formally reviewing or endorsing NEI 18-03, "Operability Determination," but rather using it as a tool to become more efficient, effective and clear while internally discussing possible revisions to IMC 0326, "Operability Determinations & Functionality Assessments for Conditions Adverse to Quality or Safety." The goal is to find alignment and understanding on how utilities will address operability determinations if they adopt NEI 18-03 and how NRC inspectors will review those operability determinations based on the guidance contained in IMC 0326.

NEI's presentation (ADAMS Accession No. ML19045A489) can be summarized as the following principles:

- Determination of Operability is separate from Code Compliance,
- Any technically acceptable method can be used to determine if a specified safety function can be performed (alternative methods),
- Licensed Operator decision – NRC approval not required if technically defensible method is used to determine Operability, and
- Restoration of compliance falls under the Corrective Action Program and may require NRC approval.

NEI's presentation stated those principles were used in the following sections:

- A.5 Piping and Piping Support Requirements
- A.6 Structural Requirements
- A.7 Technical Specification Operability vs. ASME OM Code Criteria, and
- A.10 Flaw Evaluation.

Following NEI's presentation, the NRC staff and industry engaged in clarification discussions. The following actions were identified during these discussions:

- 1) NRC staff will review the sections listed above in NEI 18-03, "Operability Determination" to determine whether any changes to IMC 0326 are warranted;
- 2) NRC requested NEI to identify areas where code interjects operability or regulations; and
- 3) NRC requested NEI to include case examples with deficient conditions and impact.

NRC will provide its complete feedback during the April 2019 public meeting. NRC and NEI also discussed holding joint tabletop discussions to walk through specific examples.

A member of the public submitted comments which can be found in ADAMS Accession No ML19064B403.

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Docket No.: 99902028

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DETERMINATIONS DATE: MARCH 13, 2019

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**ADAMS Accession Nos. Summary: ML19064B404; Package: ML19043A746**

**\*concurring via email**

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