



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

June 17, 2019

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

FROM: Ngola Otto, Project Manager
Licensing Processes Branch */RA/*
Division of Licensing Projects
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF APRIL 3, 2019, MEETING TO DISCUSS
NEI's PERSPECTIVE OF AMERICAN SOCIETY OF MECHANICAL
ENGINEERS CODE COMPLIANCE AND OPERABILITY
DETERMINATIONS

On April 3, 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 the NRC to provide feedback on NEI's presentation on American Society of Mechanical Engineers (ASME) Code Compliance and Operability Determinations (OD) which was given during the meeting held on February 15, 2019. All information related to this meeting and discussed in this summary can be found in the ADAMS package under Accession No. ML19093A868.

NRC's presentation (ADAMS Accession No. ML19093A891) provided feedback on the following topics:

1. Determination of Operability is Separate from Code Compliance
 - a. The NRC staff reiterated its intention to use the more inclusive definition of specified safety function (SSF) which is included in Inspection Manual Chapter (IMC) 0326.
 - b. Additionally, the NRC staff's position is that the provisions of the ASME Boiler Pressure Vessel (BPV) Code Section XI are incorporated by reference in 10 CFR 50.55a and are applicable at all times because they do not, by their own terms, limit application to Code in-service inspections (ISIs). For conditions discovered between ISIs, licensees may use reasonable engineering judgement to determine whether the component is operable unless the ASME Code explicitly states otherwise. For Class 1, 2, and 3 components, ASME BPV Section XI provides specific criteria for determining whether a component is "acceptable for service," and there are no provisions for temporary acceptance of flaws. However, Nonmandatory Appendix U to Chapter XI provides criteria for temporary acceptance of flaws or degradation in some Class 2 and 3 moderate energy components (i.e., all piping, vessels, and tanks that are below a certain temperature and pressure threshold). Licensees may use Nonmandatory Appendix U to determine that a flawed component is temporarily acceptable for service under the ASME Code. However, the Nonmandatory Appendix U

provides criteria only for the “integrity” of the degraded component. Nonmandatory Appendix U specifically makes the “Owner” (i.e., licensee) responsible for demonstrating operability in light of the flaw. To determine that Class 2 or 3 piping is operable, licensees must evaluate the integrity of the component according to Nonmandatory Appendix U, but may use reasonable engineering judgement to select methods for other operability considerations.

2. Use of Any Technically Acceptable Method
 - a. The NRC staff agreed with industry on this overall concept and reiterated that the NRC views “any technically acceptable method” as one which is acceptable under current NRC regulations.
3. NRC Approval of Alternate Methods Used
 - a. The NRC staff reiterated that certain code issues require approved NRC methods (as described in item 1.b above).
4. Restoration of Compliance
 - a. The NRC staff agreed with industry that the Corrective Action Program should be utilized to restore compliance with code and that deficient conditions should be resolved relative to safety significance.
5. Principles Were Used in Sections: A.5 - Piping and Piping Support Requirements; A.6 - Structural Requirements; A.7 - Technical Specification (TS) Operability vs. ASME Operation maintenance (OM) Code Criteria; and A.10 - Flaw Evaluation
 - a. Licensees are expected to document and justify, consistent with any regulatory requirements, any standard or any value that deviates from the Current Licensing Basis.
 - b. The NRC staff disagreed with the industry position that TS operability is separate from OM Code because the TS incorporate in-service testing (IST) requirements and that the requirements of OM Code Sections ISTB-6200 and ISTC-5153 are to be followed for IST failures.
6. Future Endeavors
 - a. The NRC staff discussed:
 - i. A potential phone call following input from the NRC’s Office of General Counsel - (no longer warranted),
 - ii. a joint tabletop exercise (May timeframe), and
 - iii. a public meeting to discuss open items and respective documents (June timeframe).
 - b. The NRC staff also presented their timeline for preparing IMC 0326 revisions.

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

1. NRC and NEI will discuss scheduling a joint tabletop workshop.
2. The next public meeting will be held following the tabletop discussions.

There were no members of the public who provided comments.

CONTACT: Ngola Otto, NRR/DLP
301-415-6695

Docket No.: 99902028

SUBJECT: SUMMARY OF APRIL 3, 2019, MEETING TO DISCUSS
 NEI's PERSPECTIVE OF AMERICAN SOCIETY OF MECHANICAL
 ENGINEERS CODE COMPLIANCE AND OPERABILITY
 DETERMINATIONS DATE: JUNE 17, 2019

DISTRIBUTION:

PUBLIC	RidsNrrDe	DMorey, NRR
RidsACRS_MailCTR	RidsOgcMailCenter	JHickey, DSS
RidsNrrDlp	RidsNrrDlpPlpb	JBozga, RIII
RidsNrrOd	JMarshall, NRR	DScully, NRR
RidsOpaMail	LWilkins, OCA	KO'Brien, RIII

ADAMS Accession Nos.:
ML19093A868 (Package)
ML19151A755 (Summary)

***concurrence via email**

NRC-001

OFFICE	DLP/PLPB/PM*	DSS/DD*	DLP/PLPB/PM	DLP/PLPB/PM
NAME	LWilkins	JMarshall	DMorey	NOtto
DATE	5/31/2019	5/30/2019	6/14/19	6/17/19

OFFICIAL RECORD COPY