

U.S. Nuclear Regulatory Commission Public Meeting Summary

September 11, 2014

Title: Public Meeting to Discuss a Proposed Rule to Incorporate by Reference American Society of Mechanical Engineers Codes into the U.S. Nuclear Regulatory Commission Regulations

Meeting Identifier: 20141429

Date of Meeting: Monday, August 18, 2014

Location: Hyatt Regency on Capitol Hill, Washington, DC

Type of Meeting: Category 3

Purpose of the Meeting:

To provide information and receive feedback about an upcoming proposed rule to incorporate by reference American Society of Mechanical Engineers (ASME) codes into the U.S. Nuclear Regulatory Commission (NRC) regulations. The NRC staff presentation included the following topics: overview of proposed rulemaking, NRC approval for use of quality assurance standard NQA-1, ASME Boiler and Pressure Vessel (BPV) Code Cases incorporated by reference, and proposed NRC conditions on the use of the BPV Code Section XI Division 1.

General Details:

The meeting was scheduled from 5:30 – 7:30 p.m. and ended about 45 minutes early. Approximately 120 people participated in the meeting including 15 NRC staff members. Seven people participated in the meeting remotely using a teleconference line. The meeting began with an introduction of NRC staff and a review of meeting ground rules followed by presentations on the proposed rulemaking. The NRC staff then opened up the meeting for questions or comments from the public, explaining that the comments and suggestions provided by the attendees would be considered in preparing the proposed rule, but that the NRC would not prepare formal responses.

Summary of Presentations:

The NRC is preparing to issue a proposed rule later this year that would incorporate by reference seven recent editions and addenda to the ASME codes for nuclear power plants and a standard for quality assurance. The proposed rule would also incorporate by reference three ASME code cases.

After the proposed rule is published later this year, there will be a 75-day public comment period. The NRC will review the public comments, revise the rule, if necessary, and publish the final rule about a year later. The notice of the final rule will include a discussion of the public comments and what changes, if any, were made to the rule.

The NRC staff's presentation at this public meeting focused on proposed NRC conditions on the use of ASME BPV Section XI. The proposed new Section XI conditions were listed in the NRC staff's presentation and briefly discussed. A previous public meeting which was held on June 26, 2014, focused on proposed NRC conditions on the use of ASME OM Code.

Public Participation Themes:

During the public question and answer portion of the meeting, NRC staff addressed questions on the following topics:

- The NRC staff presentation included potential requirements and conditions related to ASME BPV Code Case N-770-2. A question was raised concerning the potential condition F(13). The potential condition would establish a requirement to have a qualification process for the examination of cast stainless steel dissimilar metal butt welds in the reactor coolant pressure boundary by 2019. The current requirements for these qualifications in the ASME Code are to be developed, and have been under development for the past 15 years. Questions were raised on the implication of a requirement for 2019 and the potential impact of development of requirements for the qualification process by the ASME Code. The NRC staff explained that the purpose of the condition was to establish an expected deadline for the development of the qualification process. The date was chosen to allow sufficient time for development and to use the flexibility of the Title 10 *Code of Federal Regulations* (10 CFR) Section 50.55a rulemaking process, in which the rule is scheduled to be updated every 2 to 3 years. The NRC staff also noted that a basis for the requirement was 10 CFR Part 50 General Design Criteria (GDC) 32, which establishes that components that are part of the reactor coolant pressure boundary shall be designed to permit periodic inspection and testing of important areas and features to assess their structural and leak tight integrity. A further question was raised regarding this basis in that some plants obtained licenses before the applicability of the GDC. The NRC staff responded that while that is true, the overall implementation of the required use of N-770-2 was under the auspices of adequate protection, and as such, the use of the GDC was simply to provide a technical basis for the potential condition.
- The NRC staff presentation discussed changes related to quality assurance standard NQA-1. A member of the public asked how the proposed changes would affect nuclear power plant licensees that are currently committed to 10 CFR Part 50 Appendix B and the ANS N45.2 daughter standards for quality assurance. The NRC staff responded that nothing would change and their commitments would remain the same.

- The NRC staff presentation indicated that the NRC was considering adding 10 CFR 50.55a(b)(2)(xviii)(D) to modify the conditions on NDE personnel certification. The NRC staff was asked to clarify the changes that would be required by 10 CFR 50.55a(b)(2)(xviii)(D). The NRC staff stated that the preliminary draft proposed rule language in 10 CFR 50.55a(b)(2)(xviii)(D) would prohibit the use of Appendix VII and Appendix VIII subarticle VIII-2200 of the 2011 Addenda and the 2013 Edition of Section XI and would require licensees using these editions and addenda to use the 2010 Edition Table VII-4110-1 training hour requirements for level I, II and III ultrasonic examination personnel and the 2010 Edition subarticle VIII-2200 prerequisites for personnel qualifications. The NRC staff is not convinced the accelerated certification process in the 2011 and 2013 versions of the code provides an acceptable level of quality and safety.
- The NRC staff received feedback that the industry finds these rulemaking overviews to be very helpful, especially concurrent with ASME BPV code week, and hopes that the NRC will continue to support them. However, it was difficult for the attendees to provide specific feedback regarding the staff's proposed conditions because the NRC staff's presentation slides did not provide any information specific to the proposed conditions. The NRC staff indicated that they would consider this feedback for future public meetings.

Action Items/Next Steps:

- The NRC will publish the proposed rule later this year.
- After the proposed rule is published, there will be a 75-day public comment period.
- The NRC will review the public comments, revise the rule, if necessary, and publish the final rule about a year later.

Additional Information:

- June 26, 2014, public meeting:
 - Meeting notice and agenda: ML14135A072
 - NRC staff presentation: ML14170A114
 - Meeting summary: ML14181B199
- August 18, 2014, public meeting:
 - Meeting notice and agenda: ML14203A345
 - NRC staff presentation: ML14204A901
 - Meeting summary: ML14247A632
- Docket folder: <http://www.regulations.gov/#!docketDetail;D=NRC-2011-0088>

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