



REEDY ENGINEERING, INC.
ENGINEERING MANAGEMENT CONSULTANTS

September 23, 1996
NRC-96-005

Dr. Shirley Ann Jackson
Chairman
United States Nuclear Regulatory Commission
Washington, DC 02555-0002

Dear Ms. Jackson:

In our last letter, dated August 20, 1996, we pointed out that the 1969 Federal Regulations 10CFR50.55a directly accepted ASME Code Sections, including Section XI, which stated that engineering judgment can be used when details are not given in the Code. These early Codes established the engineering judgment principle, and the Federal Regulations endorsed that principle. The fact that the Foreword of the ASME Code was revised in 1992 to clarify use of engineering judgment is really a moot point with regard to the Federal Regulations, because the principle had already been accepted by reference in the Federal Regulations. In 1969, the Federal Regulations and the Staff accepted use of engineering judgment when specific details were not in the ASME Code. The Federal Regulations have never changed with regard to acceptance of this principle. Please understand, however, that engineering judgment can never be used to override or bypass Code requirements. This also is a basic principle of the Code.

My reason for writing this letter before receiving your response to my letter of August 20, 1996 is that I just received a copy of the NRC Inspection Manual Part 9900, which refers to some of the correspondence I have recently received from the NRC Staff. Part 9900 specifically quotes the Foreword of the ASME Code, but states that use of engineering judgment is not acceptable for ASME Code work because the principles were never accepted by the Federal Regulations. However, as shown in my last letter, the Federal Regulations have already endorsed use of engineering judgment when specific requirements are not included in the Code. Therefore, Part 9900 is in error.

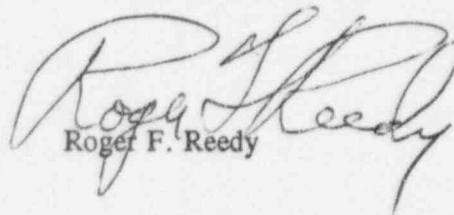
Also, Part 9900 is misleading, because it refers to IWB-3500 and IWB-3600 regarding repairs to all Code components. IWB-3500 and IWB-3600 are mandatory only for Class 1 components and repairs, and evaluation of Class 1 components has never been an issue in any of my correspondence. However, by referring to IWB-3500 and IWB-3600, the manual seems to imply that these paragraphs are mandatory for all components, including Class 2 and 3. This is untrue, because there is no required acceptance criteria for flaws in the Section XI Code for Class 2 and 3 piping. The Inspection Manual implies there is an important issue in our correspondence with the NRC Staff regarding Class 1 piping. In fact, none of my correspondence has ever addressed Class 1 piping. The issues I raised concerned leakage of Class 3 piping and weld overlay on the outside of Class 2 and 3 piping. Therefore, Part 9900 is misleading both to NRC Inspectors and to nuclear utilities, because it implies that IWB-3500 and IWB-3600 must be met for all nuclear piping.

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One last issue is that the Inspection Manual seem to imply that the NRC Staff can reject anything they want by use of the words, "to the expressed purpose of the protection of public health or safety." This seems to say that the Staff can ignore federally-endorsed industry standards without going through the public review process. In reality, this is what has been occurring in the last few years. Prohibiting engineers from using engineering judgment when there are no specific provisions in the Code would definitely endanger public health and safety. Therefore, it is wrong for the Staff to make such prohibitions without using the public review process.

Very truly yours,



Roger F. Reedy

96-12

Assigned to: EMCB
Date: 9-3-96

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 09/13/96

EDO CONTROL: GT96671

DOC DT: 08/20/96

FINAL REPLY:

Roger F. Reedy
Reedy Engineering, Inc.

TO:

Chairman Jackson

FOR SIGNATURE OF :

** PRI **

CRC NO: 96-0932

Russell

DESC:

ROUTING:

JULY 30, 1996 LETTER FROM RUSSELL REGARDING ASME
INTERPRETATIONS AND THE USE OF ENGINEERING
JUDGEMENT FOR ASME CODE ACTIVITIES

Taylor
Milhoan
Thompson
Blaha

DATE: 08/30/96

ASSIGNED TO:

CONTACT:

NRR

Russell

SPECIAL INSTRUCTIONS OR REMARKS:

Put EDO and Chairman on for concurrence.
Chairman's Office to review response prior
to dispatch.
Ref. GT96278 & GT96486.

NRR RECEIVED: SEPT. 3, 1996
NRR ACTION: DE:SHERON

NRR ROUTING: RUSSELL
MIRAGLIA
THADANI
ZIMMERMAN
MARTIN
BOHRER

<p>ACTION</p> <p>DUE TO NRR DIRECTOR'S OFFICE</p> <p>BY <u>Sept. 10, 1996</u></p>
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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-0932 LOGGING DATE: Aug 30 96

ACTION OFFICE: EDO

AUTHOR: ROGER REEDY
AFFILIATION: CALIFORNIA

ADDRESSEE: CHAIRMAN JACKSON

LETTER DATE: Aug 20 96 FILE CODE:

SUBJECT: JULY 30, 1996 LTR FM WILLIAM RUSSELL REGARDING ASME
INTERPRETATION AND THE USE OF ENGINEERING JUDGEMENT
FOR ASME CODE ACTIVITIES

ACTION: Direct Reply

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: SECY TO ACK

CONSTITUENT:

NOTES: OCM # 5082---CHAIRMAN SHOULD REVIEW RESPONSE PRIOR
TO DISPATCH

DATE DUE: Sep 16 96

SIGNATURE: . DATE SIGNED:

AFFILIATION: