



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

December 24, 1996

MEMORANDUM TO: Keith R. Wichman, Acting Chief
Materials and Chemical Engineering Branch
Division of Engineering

FROM: *A* Robert A. Hermann, Senior Level Advisor
Materials and Chemical Engineering Branch
Division of Engineering

SUBJECT: SUMMARY OF MEETING WITH ASME EXECUTIVES
Tuesday, November 12, 1996
One White Flint North
11555 Rockville Pike
Rockville, Maryland

The NRC and ASME staff identified in the attached attendance list met to discuss several issues regarding the requirements of 10CFR50.55a in implementing the ASME Code. The discussions during the meeting centered on the NRC Inspection Manual Part 9900 guidance on ASME Sections III and XI. This document provides guidance on use of ASME Code Interpretations, engineering judgement and timeliness of flaw evaluations.

ISSUE: Code Interpretations

ASME representatives stated that the guidance in the Inspection Manual chapter is consistent with ASME's understanding of the relationship between the ASME Code and NRC regulations.

There were discussions regarding the mechanism for NRC informing ASME of code interpretations that NRC takes exception to. It was agreed that the NRC should not establish a formal method for reviewing ASME code interpretations for acceptance. This conclusion was based primarily on the understanding that it would be tantamount to NRC becoming the interpreter of the Code. It was agreed that any concerns NRC has regarding specific ASME code interpretations would be brought to the codes attention through the NRC staff's normal interaction with the Code. Situations in which NRC disagrees with an ASME Code interpretation or how it is being implemented will also be identified and dealt with through the inspection process. Finally, it was noted that, considering the large number of ASME interpretations that are issued, there have been very few cases where NRC has taken exception to ASME interpretations and that interpretations have been of great benefit. The NRC representative to Section XI will inform Section XI of the guidance in the Inspection Manual.

CONTACT: R.A. Hermann, NRR
415-2768

ENCLOSURE

ISSUE: Use of Engineering Judgement

ASME representatives stated that the ASME code does not prohibit activities that are not explicitly addressed in the code, as long as such activities result in an equivalent level of safety. In this regard, ASME stated its position on engineering judgement as contained in the Foreword of the ASME B&PV code which states, in part:

"The Code contains mandatory requirements, specific prohibitions, and nonmandatory guidance for construction and inservice inspection and testing activities. The Code does not address all aspects of these activities and those aspects of these activities which are not specifically addressed should not be considered prohibited. The Code is not a handbook and cannot replace education, experience, and the use of engineering judgement. The phrase engineering judgement refers to technical judgements made by knowledgeable engineers experienced in the application of the Code. Engineering judgements must be consistent with Code philosophy and such judgements must never be used to overrule mandatory requirements or specific prohibitions of the Code."

They also pointed out that whether explicitly addressed in the code or not, activities may be subject to additional requirements by regulatory or enforcement organizations having jurisdiction at the site. In this regard they referenced the following paragraph in the Foreword to the 1995 edition of the Code.

"The Code Committee does not rule on whether a component shall or shall not be constructed to the provisions of the Code. The Scope of each Section has been established to identify the components and parameters considered by the Committee in formulating the Code rules. Laws or regulations issued by municipality, state, provincial, federal, or other enforcement or regulatory bodies having jurisdiction at the location of an installation establish the mandatory applicability of the Code rules, in whole or in part, within their jurisdiction. Those laws or regulations may require the use of this Code for vessels or components not considered to be within its Scope or may establish additions or deletions in that Scope. Accordingly, inquiries regarding such laws or regulations are to be directed to the issuing enforcement or regulatory body."

The ASME representatives agreed that the NRC inspection guidance with regard to this subject was consistent with their understanding of the relationship between the ASME Code and Federal Regulations.

ISSUE: Timeliness of Flaw Evaluations

The ASME representatives stated that operability determination is not an ASME Code issue and that the ASME had intentionally avoided making operability

determinations a part of the code. The Code has worked to establish rules for inspection, testing and assessment of structural integrity when the component and system is not in service. Currently the Code is considering a change in scope to include all phases of plant operation. This is needed since many utilities are performing inspections and tests with the units operating. It was agreed that the determination of operability is a regulatory issue. It should be noted that 10 CFR 50.55a(g)(4) requires that Section XI be met throughout the service life of the plant. This requirement provides the NRC's bases for use of the Code as a part of its operability determination.

The ASME representatives indicated they would follow up on three issues that came up during the meeting. These were:

- 1) Status of the proposed Code Case for evaluation of through wall flaws in Class 3 moderate energy systems (based on GL 90-05)
- 2) Provide guidance to the Task Group on Operability. Perhaps ASME should consider if the task group's objectives are consistent with the statement above that operability is not an ASME concern. If the objective of the Task Group is to establish criteria for determining structural integrity components or systems, ASME may desire to modify the Task Group title to be more consistent with its charter.
- 3) Status of the Scope/title for Section XI.

Attachment: As stated

ASME/NRC Meeting
Attendance List

11/12/96

Name	Telephone
G.M. Eisenberg	(212) 705-8510
G.J. Pieper	(815) 439-6106
R.A. Hermann	(301) 415-2768
June Ling	(212) 705-8570
Keith Wichman	(301) 415-2796
Patricia Campbell	(301) 415-1311
Loretta Cacilia	(352) 563-4546
Marsha Gamberoni	(301) 415-3024
Gil Milman	(301) 415-5843
Jack Strosnider	(301) 415-3294
Bob Evans	(202) 739-8101
Nancy Chapman	(301) 417-3771
Kamal Manoly	(301) 415-2765

Attachment

R. Reedy

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Although the staff does not agree with several statements you made in the attachment to your letter of December 20, 1996, the staff does not believe a continuing debate with you regarding ASME Code interpretations is beneficial. The staff continues to conclude its statements in GL 96-06 are accurate and that the generic letter was properly issued in accordance with the staff's procedures and the Commission's regulations.

Sincerely,

Ashok C. Thadani, Acting Deputy Director
Office of Nuclear Reactor Regulation

cc: i. Eisenberg, ASME
D. Modeen, NEI

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R. Reedy

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With regard to ASME Code interpretations, the staff notes that the attachment to your letter contains additional interpretations you made regarding certain ASME Code sections. The staff reaffirms its previous statement that it does not consider your interpretations as official positions of the ASME.

Sincerely,

Ashok C. Thadani, Acting Deputy Director
Office of Nuclear Reactor Regulation

cc: G. Eisenberg, ASME
D. Modeen, NEI

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