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November 21, 1978

Office of Standards Development
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Mr. W. E. Campbell

Reference: Amendment to 10 CFR 21 dated October 19, 1978

Gentlemen:

The amendment to 10 CFR 21 is causing confusion as to the inclusion of some items into the "Commercial Grade Items" category. The confusion is based on whether or not only the addition of the requirements for a Quality Assurance Program (NCA 3800) to a material otherwise made to a commercial specification qualifies for exemption to 10 CFR 21 as a "Commercial" item. The questions apply only to pressure retaining material as it is logical that bearings, relays, and structural bars are excluded. The following notes are included for consideration in your reply as they are the standard conditions applicable in the furnishing of Nuclear piping fabrication, as based on our experience.

NOTES:

1. As material is either safety rated or not, your answer shall apply to all safety rated items covered by 10 CFR 21, whether it is going into a non ASME code stamped piping subassembly or the Class I code stamped reactor coolant piping.
2. The purchaser has the option to perform all of the testing and examination on the material.
3. By far the greatest chance of mixed material, improper testing, testing in the wrong stage of manufacture or heat treatment, etc. occurs before the material is in its final form and permanently marked.
4. The vast majority of individual piping material items covered by 10 CFR 21 do not have any requirements beyond the Quality Assurance Program requirements.



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5. If there is any material manufacturers (starting material or finished material) that claim their "Commercial" Quality Assurance Program meets NCA 3800, I am not aware of them. Certainly there are very few of them.

Question 1

Considering notes 1 through 5 above, is it the intent of the revision to 10 CFR 21 to consider the pipe from which fittings are manufactured as "Commercial" and therefore exempt the fitting manufacturer from notifying the pipe manufacturer of the 10 CFR 21 requirements, when the fitting is to be used in a safety rated line.

Question 2

Considering notes 1 through 5 above, is it the intent of the revision to 10 CFR 21 to consider fittings, manufactured to an ASTM or ASME specification, "Commercial" if any additional required non-destructive examination is performed by the dedicator* and thereby exempt the fitting manufacturer of 10 CFR 21 requirements at the time of manufacture.

*The dedicator may be a certificate holder, a material supplier, or a material manufacturer using a fitting previously manufactured to his commercial program.

Your prompt reply to the questions will greatly reduce the confusion caused by the October 19, 1978 revision and might prevent much material from circumventing the 10 CFR 21 requirements in its most critical stage of manufacture.

Very truly yours,

TEXAS PIPE BENDING COMPANY

Robert Meineke

Robert Meineke
Manager - Quality Control

RM/nm