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

December 16, 1999

RECEIVED

MEMORANDUM TO: Sher Bahadur, Chief
 Engineering Research Applications Branch
 Division of Engineering Technology
 Office of Nuclear Regulatory Research

FROM: Owen Gormley, Mechanical Engineer
 Engineering Research Applications Branch
 Division of Engineering Technology
 Office of Nuclear Regulatory Research

SUBJECT: REPORT OF MEETING WITH AMERICAN SOCIETY OF MECHANICAL
 ENGINEERS ON USE OF STANDARDS AND NRC PARTICIPATION IN
 COMMITTEE ACTIVITIES

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My report of the subject meeting is as follows:

The meeting was held at TWFN on November 30, 1999 to discuss QA activities and standards of mutual interest to ASME, NEI and NRC and was attended by members of ASME, NRC, NEI and the public as follows:

ASME REPRESENTATIVES:

- John H. Ferguson, Board of Nuclear Codes and Standards (BNCS) V.P.
- J. A. Perry, BNCS
- G. M. Eisenberg, Director, Nuclear Codes and Standards
- Sidney Bernsen, BNCS, Nuclear Quality Assurance Committee (NQA)
- John G. Adkins, NQA Vice Chair
- Douglas A. Brown, NQA Main Committee (MC)
- Joe Case, NQA MC, GE Nuclear

NEI REPRESENTATIVE:

Alex Marion, NEI

NRC REPRESENTATIVES:

- John W. Craig, RES, Division of Engineering Technology (DET)
- Michael Mayfield, RES, DET
- Bill Brach, NMSS, Spent Fuel Project Office
- Bruce Boger, NRR, Division of Inspection Project Management (DIPM)
- Dan Dorman, NRR, DIPM, Quality Assurance, Vendor Inspection, Maintenance and Allegations Branch

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Suzanne Black, NRR, Division of Licensing Project Management
Larry Campbell, NMSS, Division of Waste Management, High Level Waste Branch
Ted Carter, NMSS
Gil Millman, RES, DET
Sher Bahadur, RES
Owen Gormley RES

MEMBERS OF THE PUBLIC:

Nancy Chapman, SERCH, Bechtel
Sidney Crawford, Consultant

The meeting followed the order of the agenda, Attachment 1.

NRC explained the current competition for resources and the priority setting that accompanies it. In that context, some overriding immediate need or expectation of significant future savings in resources for both NRC and licensees, would be needed for NRC to undertake the endorsement of any standard. In general, improvements in ways of doing business are being met through joint NRC/industry initiatives.

The NRC presentation included the items presented in Attachment 2, again emphasizing the competition for resources and the assignment of priority to participation with industry initiatives. These are considerations that were included in earlier letters to ASME, Attachments 3 and 4. In the discussion, NRC noted the perception that not all of its concerns with NQA-1-1997 expressed in ballots and otherwise had been adequately resolved, and that moving what had been requirements to a non-mandatory guidance section had the effect of deleting them as requirements. Activities related to risk informed regulation were cited as examples of those which might be viewed as beneficial to both the NRC and the industry.

The NQA representatives reviewed the process of revising NQA-1, resulting in the publication of NQA-1-1997, and noted the improvements that were made to include the benefits of the lessons learned in the industry since the last endorsement. They then described activities underway to identify and address the concerns that NRC had identified earlier as impediments to endorsement of NQA-1-1997, and expressed interest in some NRC participation that would eventually lead to endorsement of a future edition of the standard. The ASME presentation followed Attachment 5. Attachment 6, also made available at the meeting, provides additional details on many of the items of Attachment 5. There were some clarifications and corrections to the material presented that took place during the discussion.

The ASME concluded by urging NRC participation on or with the groups working to resolve concerns with the current version of their standard and continued NRC participation on the NQA Committee. NRC agreed to consider the ASME views further, and to provide some response about participation within the next several weeks.

Distribution: Meeting attendees by e-mail, attachment 3 & 4 only
PDR

PUBLIC MEETING BETWEEN ASME AND NRC ON ASME STANDARD NQA-1

November 30, 1999, 10:00 AM to 12:00 PM, NRC Building Two,
Conference Room T-8 A1.

AGENDA

10:00 to 10:15 NRC WELCOME

INTRODUCTION

- Endorsement Factors
- Regulatory/Licensee Need
- Licensee Requests to Reference NQA-1-1997

10:15 to 10:45 ASME NQA COMMITTEE ACTIVITIES

10:45 to 11:30 GENERAL DISCUSSION

ENDORSEMENT FACTORS

Utilization of consensus standard as an alternative to issuing government standard.

NEED/BENEFIT

- Regulatory Action
- Licensee Request

CONTENT OF STANDARD

- Generic criteria would provide a method which:
- maintains safety,
- is consistent with regulations,
- provides sufficient detailed criteria to reduce the scope of plant specific reviews

WHEN TO INITIATE A REVIEW

- significant change in content
- Backfit Criteria 50.109
- licensee(s) request
- regulatory need, i.e. new or revised regulation

OTHER APPROACHES

- Topical Reports
- industry initiatives

September 28, 1999

Mr. John H. Ferguson, Vice President
ASME Nuclear Codes and Standards
Three Park Avenue
New York, NY 10016-5990

Dear Mr. Ferguson:

Your letter of August 24, 1999, expresses interest in resolving those issues that serve as impediments to endorsement of NQA-1-1997, and suggests a meeting with senior NRC management to discuss the principal objectives and advantages of NQA-1-1997 and consider ways to satisfy NRC objections.

This is a welcome suggestion. John Craig of my staff will coordinate a meeting with you and other stakeholders, such as representatives of the Nuclear Energy Institute to discuss the various issues related to utilization of ASME standards including NQA-1-1997 and a risk informed approach. We will contact you shortly to set up the meeting.

If you have any questions or comments, please contact John at 301-415-5678.

Sincerely,

/s/

Ashok C. Thadani, Director
Office of Nuclear Regulatory Research

cc: B. Sheron
M. Virgillo
D. Brown
J. Ling

June 24, 1999

Mr. James A. Perry, PE
Vice President, ASME Nuclear Codes and Standards
ASME International
Three Park Avenue
New York, NY 10016-5990

Dear Mr. Perry:

I am responding to your letter to Chairman Jackson, dated February 17, 1999, requesting that the NRC staff undertake a review of ASME NQA-1-1997 Edition "Quality Assurance Requirements for Nuclear Facility Applications," (NQA-1-1997) for the purpose of endorsing it in a revision of Regulatory Guide 1.28, "Quality Assurance Program Requirements (Design and Construction)."

In order to make a determination as to which standards should be endorsed, the staff considers numerous aspects such as the benefits in application of the standard, the licensee requests related to utilization of the standard, the completeness of the standard in light of the potential exceptions that the staff would be required to include in a Regulatory Guide, and the resources which would be necessary to endorse the standard. As discussed below, the staff does not believe that there is a sufficient basis to support development and promulgation of a revision to Regulatory Guide 1.28 which would endorse NQA-1-1997.

The NRC endorses standards in regulatory guides to describe and make available information such as methods for meeting the Commission's regulations. These standards must provide guidance in sufficient detail to ensure that programs and activities governed by such standards meet the applicable regulations. As you know, NRC staff participated in the ASME Nuclear Quality Assurance (NQA) Committee activities that led to the publication of NQA-1-1997. The NRC Main Committee representative consistently voted against NQA-1-1997 because the standard, as revised, did not contain requirements which the NRC felt were needed in order to develop a QA program which meets 10 CFR 50, Appendix B, "Quality Assurance Criteria For Nuclear Power Plants and Fuel Reprocessing Plants." Specifically, many detailed requirements were either removed or moved to a non-mandatory appendix. It is the staff's position that this lack of detail in the requirements section of the standard could cause licensees to develop QA programs that may not meet the requirements of 10 CFR 50, Appendix B, or that may not adequately describe how those requirements will be met. Consequently, the staff has concluded that this lack of detail would require substantial expenditure of staff resources to identify and document exceptions necessary to provide reasonable assurance that licensee QA programs based on NQA-1-1997 as endorsed would continue to meet the requirements of 10 CFR Part 50, Appendix B. Further, because NQA-1-1997, if implemented in its current form, might result in an unacceptable licensee QA program, we would be unable to endorse this version of the standard. This has led the staff to conclude that expenditure of the resources which would be necessary to further review and reconsider endorsement of NQA-1-1997 is not appropriate at this time.

James A. Perry

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I believe it is appropriate to continue to work within the NQA Main Committee to address aspects of the standard we find unacceptable. We are in the process of restructuring our participation on the NQA Main Committee to more effectively utilize available resources. Since NQA-1-1997 has not been adopted by any licensee, and none has requested NRC endorsement, the Office of Nuclear Reactor Regulation has decided to stop participation. Additionally, based upon the interest in NQA-1 in the area of spent fuel and radioactive waste, representatives of the Office of Nuclear Materials Safety and Safeguards will increase their level of participation on this committee. If you have any further questions, please feel free to call me, or John Craig, Director, Division of Engineering Technology, at 301-415-5678, or Sher Bahadur at 301-415-6010.

Sincerely,

/s/

Ashok C. Thadani, Director
Office of Nuclear Regulatory Research

cc: June Ling, ASME
Douglas A. Brown