



1-212-591-8500
FAX 1-212-591-8501
www.asme.org

DOCKET NUMBER
PROPOSED RULE PR 50
(66FR 59546)

Three Park Avenue
New York, NY 10016-5990
U.S.A.

DOCKETED
USNRC

June 17, 2002

August 20, 2002 (8:58AM)

Mr. Samuel J. Collins
Director, Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Supplementary Comments on 10 CFR 50.69 Draft Rule Language dated April 3, 2002

Reference: Letter from Mr. John H. Ferguson, Vice President, ASME Nuclear Codes & Standards to Mr. Samuel J. Collins, Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, *Comments on 10 CFR 50.69 Draft Rule Language as of April 3, 2002*, dated June 3, 2002

Dear Mr. Collins,

As noted in the referenced letter, please find below an ASME Board on Nuclear Codes & Standards (BNCS) position statement dealing with the relationship of ASME Codes & Standards to the draft rule language for 10 CFR 50.69, *Risk-Informed Treatment of Systems, Structures, and Components*, dated April 3, 2002. The following statement was unanimously approved by the ASME BNCS at its June 13, 2002 meeting in Minneapolis, MN:

- ASME has developed, and continues to develop, Code Cases and Codes & Standards to support risk-informed applications.
- These Code Cases and Codes & Standards should not be directly referenced in 10 CFR 50.69.
- ASME agrees with the exemption of ASME requirements in 10 CFR 50.69(d)(2)(iv) provided a framework is developed for this regulation between NRC and other ASME stakeholders to ensure that ---
 - The risk-informed Code Cases and Codes & Standards are used
 - Partial use of the Code Cases and Codes & Standards does not occur
 - ASME Codes and Standards requirements that are related are to be used together (e.g., Code Cases N-658 and N-660)

Otherwise, ASME does not agree with the exemption of ASME requirements in 10 CFR 50.69(d)(2)(iv).

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Cognizant members of the ASME BNCS are willing to discuss this position statement, along with our previous comments, at the June 18, 2002 NRC public meeting on the second published draft rule language for 10 CFR 50.69. ASME is also willing to cooperate with the NRC and other ASME stakeholders in the formulation of the above framework as it evolves.

Should there be questions regarding these comments, please direct them to Mr. G. M. Eisenberg, ASME Director, Nuclear Codes and Standards at the above address or by phone at 212-591-8510.

Sincerely Yours,

A handwritten signature in cursive script that reads "C Wesley Rowley" followed by a stylized flourish.

C. Wesley Rowley

Vice President, Nuclear Codes & Standards

Cc: Members, ASME Board on Nuclear Codes and Standards
Members, ASME BNCS Risk Management Task Group