

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

December 10, 2004

**NRC REGULATORY ISSUE SUMMARY 2004-19:
AUTHORIZED NUCLEAR INSERVICE INSPECTOR ACCESS
AND NRC APPROVED ALTERNATIVES TO ASME CODE**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to clarify requirements for third-party inspection and review at nuclear power plants, and for implementation of NRC authorized alternatives to the American Society of Mechanical Engineers (ASME) Code requirements.

BACKGROUND

Third-party inspectors from organizations or government agencies periodically inspect domestic nuclear power plants for various purposes, particularly where required by ASME Code. ASME Code Section XI Subarticle IWA-2120(a) states, in part, that the inspection required by the ASME Code shall be performed "...by an Inspector employed by a State or Municipality of the United States or an Inspector regularly employed by an insurance company authorized to write boiler and pressure vessel insurance in the United States..." In addition, ASME Code Section XI Subarticle IWA-2130 states that "...the owner shall arrange for an inspector to have access to all parts of the plant as necessary to make the required inspections. The owner shall keep the inspector informed of the progress of the preparatory work necessary to permit inspection and shall notify the Inspector at a time reasonably in advance of when the components will be ready for inspection..." The authorized nuclear inservice inspectors referred to herein are employees of insurance companies and are not NRC employees.

The NRC's requirements for nuclear power plant inspection are discussed in various documents, including the following regulations. Title 10 of the Code of Federal Regulation, Part 50, paragraph 55a(a)(1), requires that structures, systems, and components must be designed, fabricated, erected, constructed, tested and inspected to quality standards commensurate with the importance of the safety function to be performed. Paragraph 10 CFR 50.55a(a)(2)

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requires systems and components of nuclear power reactors to meet the requirements of specific sections of the ASME Code. Paragraph 10 CFR 50.55a(a)(3) allows licensees to propose alternatives to the ASME Code.

SUMMARY OF ISSUE

In recent years, a few licensees have denied authorized nuclear inservice inspectors access to certain parts of systems, components, documents, and records that were related to licensing actions approved by the NRC as part of relief requests from ASME Code requirements. The relief requests usually involved inspections or repairs that deviated from the ASME Code alternative inspection requirements, and non-ASME Code repairs. The licensees have contended that these approved alternative activities fall outside of the ASME Code jurisdiction, and have denied access to authorized nuclear inservice inspectors. In addition, some licensees have held the view that once the NRC authorizes the licensees' proposed alternative to the ASME Code requirements in a relief request (such as the proposed use of certain ASME Code Cases), they do not have to follow other relevant ASME Code requirements.

Subarticle IWA-2130 does not distinguish the affiliation of an authorized inspector; therefore, any authorized inspectors qualified under IWA-2120, such as the inspector of an authorized insurance company, shall have access to the nuclear power plants.

When the NRC reviews and authorizes a specific alternative to the ASME Code requirements through the relief request process, such as the use of non-ASME Code repair to address pipe wall thinning, or the use of an alternate inspection method, the scope of the review and authorization is based only on matters explicitly addressed in the licensees' request. All other requirements of the ASME Code not explicitly addressed in the authorized alternatives such as in the ASME Code Cases must be met, including IWA-2120 and IWA-2130.

BACKFIT DISCUSSION

This RIS requires no action or written response and is, therefore, not a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it is informational and pertains to a staff position that does not represent a departure from current regulatory practice.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT OF 1996

The NRC has determined that this action is not subject to the Small Business Regulatory Enforcement Fairness Act of 1996.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain information collections and therefore is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

CONTACT

Please direct any questions about this matter to the technical contact listed below or to the appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

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Note: NRC generic communications may be found on the NRC public website, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.