

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

July 28, 2004

**NRC REGULATORY ISSUE SUMMARY 2004-12
CLARIFICATION ON USE OF LATER EDITIONS AND ADDENDA TO
THE ASME OM CODE AND SECTION XI**

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 the requirements for inservice testing (IST) and inservice inspection (ISI) when using later editions and addenda of the American Society of Mechanical Engineers (ASME) *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code), and Section XI of the ASME *Boiler and Pressure Vessel Code* (B&PV Code), as required by Title 10, Section 50.55a, paragraphs (f)(4)(iv) and (g)(4)(iv) of the *Code of Federal Regulations*.

This RIS requires no action or written response on the part of an addressee.

BACKGROUND INFORMATION

The regulations in 10 CFR 50.55a(f)(4) and (g)(4) establish the effective ASME Code edition and addenda to be used by licensees for performing inservice inspections of components (including supports) and inservice testing of pumps and valves. Paragraph 50.55a(f)(4)(iv) states that inservice test of pumps and valves may meet the requirements set forth in subsequent editions and addenda that are incorporated by reference in paragraph (b) of

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Section 50.55a, subject to the limitations and modifications listed in paragraph (b) of this section, and subject to Commission approval. In addition, it allows the use of portions of editions or addenda provided that all related requirements of the respective editions or addenda are met. Similarly, for inservice examination and system pressure tests, Paragraph 50.55a(g)(4)(iv) allows the use of subsequent editions and addenda, and portions thereof, incorporated by reference in paragraph (b) of Section 50.55a, subject to the limitations and modifications listed in paragraph (b), and subject to Commission approval.

Paragraphs 50.55a(f)(4)(ii) and (g)(4)(ii) require the use of the latest edition and addenda that has been incorporated by reference 1 year prior to the beginning of each 120-month interval. This is considered the Code of Record. As stated in paragraphs (f)(4)(iv) and (g)(4)(iv), the use of later editions and addenda of the Code is subject to Commission approval. Licensees that plan to use for their IST and ISI programs later editions and addenda of the ASME OM Code or Section XI that have been incorporated by reference into 10 CFR 50.55a must obtain prior approval pursuant to 10 CFR 50.55a(f)(4)(iv) or (g)(4)(iv). The licensees may request this approval by submitting a letter to the NRC Document Control Desk.

SUMMARY OF ISSUE

The staff has identified several instances in which nuclear power plants licensees have used portions of editions and addenda of the OM Code and/or the B&PV Code issued after their Code of Record without requesting approval from the Commission. In addition, several licensees have raised questions recently about whether staff approval is necessary prior to using subsequent editions and addenda of the Code (or portions thereof). The staff is issuing this RIS in order to clarify this matter.

Paragraphs 10 CFR 50.55a(f)(4)(iv) and (g)(4)(iv) require that inservice tests of pumps and valves, inservice examinations of components, and system pressure tests may meet the requirements set forth in subsequent editions and addenda that are incorporated by reference in 10 CFR 50.55a(b) subject to the limitations and modifications listed in 10 CFR 50.55a(b) and subject to Commission approval. The fact that these Code editions and addenda have been incorporated by reference into the regulations does not imply that Commission approval has already been given. Licensees must request approval to use later Code editions and addenda via a letter to the NRC; they may not just update their IST or ISI program. When requesting to use editions and addenda of the ASME Code that have not yet been incorporated by reference, licensees must request authorization to use these later editions and addenda as an alternative to the regulations pursuant to 10 CFR 50.55a(a)(3).

Some licensees mistakenly believe that requesting approval to use a later Code edition or addenda is the same as requesting relief from certain Code requirements. The request to use a later edition and addenda is not a relief request; it is simply a request to use a later Code. Relief requests are addressed under 10 CFR 50.55a(f)(5)(iv) and (g)(5)(iv). Similarly, the use of alternatives to Code requirements is addressed under 10 CFR 50.55a(a)(3). The amount of written documentation needed for a request to use a later Code edition and addenda is significantly less than for a relief request or a request to use an alternative requirement. For

example, licensees are not required to justify requests to use the later Code editions and addenda. In contrast, when submitting a relief request, licensees must provide the basis for why the Code requirement is impractical. Likewise, when requesting authorization for use of an alternative pursuant to 10 CFR 50.55a(a)(3), licensees must demonstrate an acceptable level of quality and safety, or demonstrate why compliance with the Code requirement would result in hardship or unusual difficulty without a compensating level of quality and safety.

If portions of a later Code edition and addenda are used, licensees must assure that all related requirements of the respective editions and addenda are met. A discussion of the related requirements should be included in the letter to the NRC. The regulations do not specify when the letter must be submitted, only that it be submitted before using the proposed later Code edition and addenda.

BACKFIT DISCUSSION

This RIS clarifies current regulatory requirements. The RIS imposes no new requirements and requires no action or written response. Therefore, it does not constitute a backfit under 10 CFR 50.109, and the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment was not published in the *Federal Register* because this RIS is informational and pertains to a staff position that does not represent a departure from current regulatory requirements and 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 request any information collections, and, therefore, is not subject to 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.

/RA/
Terrence Reis, Acting Chief
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Attachment: List of Recently Issued NRC Regulatory Issue Summaries

LIST OF RECENTLY ISSUED
NRC REGULATORY ISSUE SUMMARIES

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
2003-18, Supplement 1	Use of Nuclear Energy INSTITUTE (NEI) 99-01, "Methodology for Development of Emergency Action Levels," Revision 4, Dated January 2003	07/13/2004	All holders of operating licenses for nuclear power reactors and licensees that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.
2004-11	Supporting Information Associated with Requests For Withholding Proprietary Information	06/29/2004	All submitters of proprietary information to the Nuclear Regulatory Commission.
2004-10	Preparation And Scheduling of Operator Licensing Examinations	06/14/2004	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.
2004-09	Status on Deferral of Active Regulation of Ground-water Protection At In Situ Leach Uranium Extraction Facilities	06/07/2004	All holders of materials licenses for uranium and thorium recovery facilities.
2004-08	Results of the License Termination Rule Analysis	05/28/2004	All holders of operating licenses for nuclear power reactors, research and test reactors, as well as decommissioning sites.
2004-07	Release of Final Review Standard (RS)-002, "Processing Applications for Early Site Permits"	05/19/2004	All holders of operating licenses for nuclear power reactors, all applicants for early site permits (ESPs), and all prospective vendors of nuclear power plants in the United States.

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