

DOCKET NUMBER
 PROPOSED RULE NO. 50
 (66 FR 40626)



Entergy

DOCKETED
 USNRC

October 18, 2001 (9:28AM)
 OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

8

Entergy Operations, Inc.
 1340 Echelon Parkway
 Jackson, MS 39213-8298
 Tel 601 368 5758

Michael A. Krupa
 Director
 Nuclear Safety & Licensing

October 17, 2001

Secretary, U. S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

Attn.: Rulemaking and Adjudications Staff

Subject: Comments on Proposed Rule 10 CFR 50.55a, "Industry Codes and Standards"

CNRO-2001-00048

Ladies and Gentlemen:

On August 3, 2001, the NRC published a proposed rule (66 Fed. Reg. 40,626) amending the current regulations for the use of industry code and standards in Section 50.55a of Title 10 of the *Code of Federal Regulations* (10 CFR 50.55a). Section 50.55a gives the requirements for inservice inspection (ISI) and inservice testing (IST) programs for certain systems, structures, and components in nuclear power plants and specifies the editions of the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code* (Code) and the *Operations and Maintenance Code* (O&M Code) applicable to these programs.

Entergy Operations, Inc. (Entergy) appreciates the opportunity to comment on the proposed rule. Entergy agrees with the initiatives in the proposed rule that will allow licensees to implement certain aspects of the later editions of the Code and the O&M Code on a voluntary basis. Nevertheless, there are specific portions of the proposed rule with which Entergy does not agree, either in whole or in part, as discussed in the accompanying attachment. We propose certain alternative positions on these portions of the proposed rule before it becomes final.

Entergy disagrees with the limitations proposed by the NRC. We believe such limitations circumvent the ASME consensus process, in which the NRC is an active participant. The ASME Code Committee is composed of a diverse group of industry experts, consultants, vendors, and regulators. For the NRC to take exceptions to the Code as approved by the consensus process is inconsistent with another portion of the proposed rule which takes credit for this process (i.e., the NRC's position that 10 CFR 50.109 does not require a backfit analysis of the update to §50.55a.) Also, the limitations run counter to the spirit of Public Law 104-113, which requires federal agencies to use industry consensus standards to achieve greater reliance on technical standards developed by voluntary consensus.

Template = SECY-067

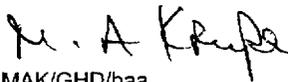
SECY-02

Comments on Proposed Rule 10 CFR 50.55a
October 17, 2001
CNRO-2001-00048
Page 2 of 2

In addition to the general comments above and the specific comments provided in the attachment, Entergy supports the comments submitted to the NRC by the Nuclear Energy Institute (NEI), the Nuclear Utility Backfitting and Reform Group (NUBARG), the Licensing and Design Bases Clearinghouse, the Performance Demonstration Initiative (PDI) and the Electric Power Research Institute (EPRI).

Again, thank you for the opportunity to provide our comments.

Sincerely,



MAK/GHD/baa
attachment

cc:

Mr. C. G. Anderson (ANO)
Mr. W. R. Campbell (ECH)
Mr. W. A. Eaton (GGNS)
Mr. R. K. Edington (RBS)
Mr. J. T. Herron (W-3)
Mr. P. D. Hinnenkamp (ECH)
Mr. G. R. Taylor (ECH)

Mr. T. W. Alexion, NRR Project Manager, ANO
Mr. N. Kalyanam, NRR Project Manager, W3
Mr. R. B. Moody, NRR Project Manager, RBS
Mr. S. P. Sekerak, NRR Project Manager, GGNS

CNRO-2001-00048
 Attachment
 Page 1 of 6

**Entergy Comments on
 10CFR50.55a Proposed Rulemaking**

COMMENT NUMBER	PAGE	SECTION/PARAGRAPH	COMMENT	PROPOSED REVISION
1	40627 40628 40638	2.2.1 2.2.1.3 (b)(2)(ix)(G)	In Section 2.2.1, "Owner-Defined Requirements for Class CC and Class MC Components," the rulemaking states that "the provision for the owner to define visual examination requirements in IWE 2310(a) of the 1998 Edition, the 1999 Addenda, and the 2000 Addenda, as supplemented in IWE-2310(e), is acceptable." Yet in Subsection 2.2.1.3, "General and Detailed Visual Examinations," the NRC concludes that the revised code does not provide any criteria to define general and detailed visual examinations and that the provisions of IWE 2310(a) are not acceptable without modification. Additionally, Subsection 2.2.1.3 is in error because previous code editions (1992 edition with 1992 addenda) did not require general visual examinations to meet the VT-3 criteria. The requirements for general visual examinations have been left to owner definition since the initial rulemaking requiring IWE in 1996. To impose these criteria on the general visual examinations is a significant increase in regulatory burden that is not supported by the ASME code consensus process. Entergy recommends that the NRC specify the minimum standards of an acceptable general visual and detailed visual examination to ensure that the owner-defined requirements are adequate to ensure public health and safety.	(b)(2)(ix)(G) The owner-defined requirements for general and detailed visual examinations required by IWE-2310(b) and IWE-2310(c) shall contain the following elements: (a) Engineering analysis specifying the required examination resolution. (b) Demonstrations that the techniques used meet the required resolution.
2	40637	13(3)	In Section 13, "Backfit Analysis," the NRC states the regulation in 10CFR50.109 does not ordinarily require a backfit analysis for routine amendments to 10CFR50.55a. One of the reasons cited is that the ASME Code is a national consensus standard developed by participants with broad and varied interests, in which all interested parties (including the NRC and utilities) participate. However, by adding requirements and limitations to the Code, the NRC is circumventing this consensus process for which it takes credit. By making this argument, the NRC presents an inconsistent approach in order to avoid the requirements of 10CFR50.109. Entergy recommends that the NRC perform an appropriate backfit analysis in accordance with 10CFR50.109 for the proposed requirements and limitations that are not reflected in ASME Code.	

COMMENT NUMBER	PAGE	SECTION/ PARAGRAPH	COMMENT	PROPOSED REVISION
3	40638	(b)(2)(viii)(F) and (b)(2)(ix)(F)	<p>The proposed revised paragraphs (b)(2)(viii)(F) and (b)(2)(ix)(F) apply industry standards that have been determined to be inappropriate for containment examination personnel. Specifically, the qualification standards of IWA-2300 were designed for typical NDE associated with piping systems and their supports traditionally associated with ISI and were not written with containment examinations in mind. For these and other reasons, the ASME consensus process did not believe the requirements of IWA-2300 should be applied to IWE and IWL.</p> <p>Entergy recommends that the NRC specify the use of a more generic standard for qualification of examiners such as ANSI N45.2.6. Alternatively, the NRC should list the specific elements deemed necessary to ensure that owner-defined qualification programs are adequate to ensure safety.</p>	<p>(b)(2)(viii)(F) The owner-defined personnel qualification provisions in IWL-2310(d) shall meet or exceed the standards of ANSI N45.2.6.</p> <p>(b)(2)(ix)(F) The owner-defined personnel qualification provisions in IWE-2330(a) shall meet or exceed the standards of ANSI N45.2.6.</p>
4	40639	(b)(2)(xii)(A)	<p>The proposed limitation would not allow welds in the high-energy fluid system piping that are located inside a containment penetration assembly or encapsulated by a guard pipe to be exempted from examination.</p> <p>ASME Section XI has exempted these welds from examination. Although the exemption is perceived by the NRC to be contrary to the SRP, licensees have commitments with the NRC to satisfy SRP 3.6.2. ASME Section XI does not override these commitments. Therefore, it is unnecessary to add this limitation. It is, however, improper to use this limitation to override the commitment process used to license the plants. Therefore, Entergy recommends that the limitation be deleted.</p>	
5	40639	(b)(2)(xii)(B)	<p>The proposed limitation would not allow piping that penetrates the containment that is connected to piping outside the scope of Section XI to be exempted for the pressure testing provisions Subsection IWA.</p> <p>Nuclear plants have systems that penetrate containment that have no safety functions other than containment boundary. However, between the isolation valves the piping in those systems are required to be examined in accordance with IWB or IWC. This is done to ensure the integrity of the containment boundary.</p>	

COMMENT NUMBER	PAGE	SECTION/ PARAGRAPH	COMMENT	PROPOSED REVISION
			<p>Section XI requires pressure testing a line at normal operating pressure. Several systems that penetrate containment operate at very low pressures, less than the containment accident pressure. By performing the Section XI test, the line may not be tested to the pressure at which it performs its only safety function.</p> <p>Appendix J testing requires leak testing of primary containment components to employ quantifiable leak detection methods and acceptance criteria based on a total limit of 60% of the maximum allowable limit from the total primary containment system for radiation release. These leak tests are performed as prescribed in American Nuclear Society Standard ANS-56.8 in order to detect extremely small leakage. The leak detection method utilized in the Appendix J test program is substantially more sensitive than the visual examination performed during Section XI pressure tests.</p> <p>As established in ASME Section XI Code Case N-522, the performance of system pressure tests on Class 2 piping segments which perform only primary containment safety functions is unnecessary and serves no technical purpose to increase plant safety. The requirement to determine whether leakage measured during Appendix J leakage tests is through-wall or intra-system requires that the entire test volume be examined by a method capable of detecting extremely small leakage. Most tests performed in support of Appendix J testing are performed using air as the test medium. Detecting very small air leakage from large surface area requires a substantial amount of effort and has the potential for significant personnel radiation exposure</p> <p>The Appendix J testing of containment does not provide for determining whether measured leakage is through-wall, or through test boundary valves. However, this determination is unnecessary because all leakage detected by Appendix J testing is assumed to escape the primary containment structures. The maximum limit for primary containment leakage assumes that all releases from the primary containment will exit the primary containment and be treated in the secondary containment system prior to release to the environment. Determining whether leakage from the primary</p>	

COMMENT NUMBER	PAGE	SECTION/ PARAGRAPH	COMMENT	PROPOSED REVISION
			<p>containment is through-wall, or not, is of no consequence to the acceptance criteria. Since these piping segments perform no other safety function, the structural integrity of the segment is of no importance to the safe shutdown of the reactor, or maintaining the reactor in the shutdown condition. Therefore, this limitation is not warranted and should be deleted.</p>	
6	40639	(b)(2)(xix)	<p>The proposed limitation would prohibit the use of alternative examination methods, a combination of methods, or newly developed techniques to be substituted for the methods specified in the Construction Code, provided the Authorized Nuclear Inspector (ANI) is satisfied that the results are demonstrated to be equivalent or superior to those in the Construction Code.</p> <p>Section XI introduces the Construction Code into repair and replacement activities. The ANI is responsible for verifying repairs and replacements are performed in accordance with the requirements of the owner's repair/replacement requirements. As such he is required to understand NDE and the differences in methods.</p> <p>While, Entergy agrees with the NRC that Section XI NDE requirements are different than Construction Code NDE, we do not believe this inhibits the licensee's ability to determine whether or not the licensee is performing NDE that is equivalent or superior to the Construction Code NDE.</p> <p>If the NRC has concerns with exam volume or acceptance criteria then add a limitation that addresses these areas. Entergy believes that broadly restricting the use of IWA-2240 and IWA-4520(c) to address specific concerns is inappropriate and therefore the proposed limitation should be altered or removed.</p>	
7	40640	(b)(2)(xx)	<p>The proposed modification is to require use of IWA-5213(a) from the '95 Edition of Section XI. The words in the '95 Edition were placed in the Code in the '89 Addenda. The editions and addendum, from the '89 addenda to the '95 Edition, were not approved by the NRC for use, until September 1999. At that time the NRC also approved the 1996 Addenda which removed the hold times. Requiring these hold times</p>	<p>(b)(2)(xx) System leakage test. In lieu of the provisions of IWA-5213(a) of the 1996 addenda through the latest editions and addenda incorporated by reference in paragraph (b)(2) of</p>

COMMENT NUMBER	PAGE	SECTION/ PARAGRAPH	COMMENT	PROPOSED REVISION
			<p>on each system leakage test places an undue burden on a utility. To meet this requirement requires running ECCS Systems for 4 hours in abnormal lineups. In some instances this would require a utility to challenge Technical Specification limits or seek relief. For example, operating RCIC for 4 hours would elevate suppression pool temperature to levels approaching and potentially exceeding Technical Specification limits, thereby requiring operation of suppression pool cooling mode of RHR.</p> <p>The majority of the industry follows the pressure test requirements of Section XI up to the '89 Edition along with Code Case N-498-1. These required tests were based on the Code Class and frequency of the test. Class 1 period testing required a system leakage test with no hold time. Class 1 interval testing was a system leakage test with a 4-hour/10-minute hold time based on whether the system is insulated/noninsulated. Class 2 and 3 period testing required an inservice test or functional test depending on whether the system was normally in operation or not. The inservice test had no hold time provided the system had been in operation for > 4 hours. The functional test required a 10-minute hold time. The Class 2 and 3 interval testing required a system leakage test with the same hold times as Class 1.</p> <p>The '91 Addenda attempted to make the Code easier to use by combining the Class 1, 2, and 3 non-hydrostatic tests into one test. However, in doing this, ASME did not consider the appropriate hold times and their effects on the systems. Once this was realized, ASME moved to alleviate this problem by removing the hold time. Now the NRC, in its quest for a hold time, has arbitrarily chosen the '95 Edition where the hold time is not based on any technical justification. Therefore, Entergy recommends that the proposed modification be revised as noted.</p>	<p>this section the following hold times shall apply: Class 1 test will have no hold time after achieving test conditions except once each interval test conditions will be held for 4 hours for insulated systems or 10 minutes for noninsulated systems. Class 2 and 3 systems not in operation during normal plant operation shall have a hold time of 10 minutes once test conditions have been met. Class 2 and 3 systems normally in operation will have no hold time provided systems have been in operation at least 4 hours. Once during the interval all Class 2 and 3 systems test conditions will be held for 4 hours for insulated systems or 10 minutes for noninsulated systems.</p>
8	40640	(b)(2)(xxi)(A)	<p>The proposed limitation would require examination of steam generator and pressurizer nozzle inner radii.</p> <p>The inservice examination data available for these components was adequate for the consensus body (ASME) to determine that it was</p>	

COMMENT NUMBER	PAGE	SECTION/ PARAGRAPH	COMMENT	PROPOSED REVISION
			<p>prudent to redirect resources elsewhere to maintain safety. Furthermore, Entergy understands that the ASME Code committee is considering a revision to Code Case N-619 at the NRC's insistence and not due to safety concerns. Therefore, Entergy recommends that this limitation be deleted.</p>	
9	40640	(g)(6)(ii)(B)(1)	<p>Many licensees have already developed program plans defining the start of the 120-month inspection interval for containment ISI. The start dates were often chosen to coincide with the intervals in place for other inspections and may not have coincided with the first containment examinations. While the intervals would not start after the first examinations, they may very well have started before the first examinations. This paragraph unnecessarily limits the licensee's flexibility in scheduling the containment inservice inspection interval. Therefore, Entergy recommends this requirement be modified as noted.</p>	<p>(g)(6)(ii)(B)(1) The start of the first 120-month interval for inservice inspection of Class MC and Class CC components shall occur on or before the start of the first containment inspection.</p>