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PROPOSED RULE PR 50

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

October 17, 2001

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On Friday, August 3, 2001, in Vol. 66, No 150, of the Federal Register, the U. S. Nuclear Regulatory Commission (NRC) proposed amendments to its regulations and invited comments from the public to give interested persons the opportunity to participate in the rule making prior to the adoption of the final rule. As invited by the notice I would offer the following comments:

2.2 Section XI

This summary part of the rule states that some Licensees have requested the Staff to spell out in the regulations a start date for their containment ISI programs (i.e., 120-month intervals). I strongly disagree with the words proposed as the new 10CFR50.55a(g)(6)(ii)(B)(1) because the current regulations only reflect that the first period examinations for IWE and the first examinations using IWL be completed as outlined in the expedited implementation period (5 year implementation period after September 9, 1996 and prior to September 9, 2001). No statements in the current regulations reflect any start date requirement for a Licensee's/Owner's Class MC or Class CC ISI program. Without that clarification in the regulations this is a backfit for many Licensees that started their intervals at different times in the 5 year implementation period for other considerations (e.g., matching their current ISI programs for other components, fitting in their outage schedules, etc.). Most of the Licensees did not use actual inspection start dates as the start of their intervals. The new proposed words for this part of the rule will have no impact on any Licensee regardless of how the interval start dates were implemented.

As a further consideration to change this part of the proposed rule it should be noted that the intervals for Class MC and Class CC ISI programs are different. The current regulations for early implementation of containment ISI programs recognizes this difference and its association with regard to the expedited implementation schedule, but in this proposed part of the new rule no distinction is made between the differences in the two intervals. Class MC requires a 120-month interval and Class CC as outlined in Subsection IWL follows a 1 year, 3 year, 5 year, and 10 year interval from the original containment structural integrity test and then follows a 60-month interval that has no inspection periods. I would suggest that the proposed part of this rule be reworded as follows:

(1) The start of the first 120-month interval for Class MC components and the start of the first interval (*described in Subsection IWL*) for Class CC components shall have occurred during the expedited implementation period (5 year implementation period after September 9, 1996 and prior to September 9, 2001).

2.2.1 Owner-Defined Requirements for Class CC and Class MC Components

The summary position and concerns expressed in this part of the proposed rule are not totally representative of the requirements. These requirements are controlled by the Owner and restrictions are in place under 10CFR50 Appendix B, that make changing these requirements, as implemented through plant procedures, at any time, an over simplification of the process. It is not realistic of the Staff to make this a concern. Furthermore, there is uniqueness in the requirements of Subsection IWE and Subsection IWL because they require that a Responsible Individual or Responsible Engineer be placed in a position to control the aspects of these requirements for which the Staff has portrayed there are no controls. If there is a true problem that the requirements are not being implemented in the industry adequately, it should be demonstrated by Staff observation and audit, and not through a limitation on the use of the ASME Code in the regulations. Making a statement that because a set of "minimum requirements" has not been defined, it cannot be determined whether the new requirements would maintain safety and ensure the protection of the public health and safety is not true. A set of minimum requirements does exist, but the Code has decided that these minimum requirements be controlled by a Responsible Individual or Responsible Engineer. It is suggested that this limitation be removed and deleted from the proposed rule.

2.2.1.1 Concrete Containment Visual Examination Qualification

I disagree that the Code does not provide any criteria in regards to qualifying examination personnel in Subsection IWL. As a matter of fact the requirements of IWL-2300 describe what has to be addressed in the context of concrete qualification examinations in greater detail than the general qualification requirements of IWA-2300 that the NRC is proposing to be used. Additionally, IWL-2320 requires that these qualification requirements be implemented and controlled through the use of a Responsible Engineer and thus the basis for this limitation is not justified and should be removed from the proposed rule.

2.2.1.2 Visual Examination Qualification Requirements for Containment Surfaces

I disagree that the Code does not provide any criteria in regards to qualifying examination personnel in Subsection IWE. As a matter of fact the requirements of IWE-2300 describe what has to be addressed in the context of containment surface examination qualification in greater detail than the general qualification

requirements of IWA-2300 that the NRC is proposing to be used. Additionally, IWE-2320 requires that these qualification requirements be implemented and controlled through the use of a Responsible Individual and thus the basis for this limitation is not justified and should be removed from the proposed rule.

2.2.1.3 General and Detailed Visual Examinations

As with the response to 2.2.1 above it is not explained in the proposed basis for this limitation that the Responsible Individual for Subsection IWE and the Responsible Engineer for Subsection IWL controls and establishes the general and detailed visual examination criteria used in the later Editions and Addenda of the Code. It is a requirement that acuity and lighting be sufficient to detect evidence of degradation described in each of these subsections. The requirement to use IWA-2210 was removed from IWE and IWL as it was determined by the Code that these rules were over restrictive for containment examinations. Therefore, the basis for this limitation is not adequately addressed and should be removed from the proposed rule.

2.2.1.4 Bolting Acceptance Standard

The addition of IWC-3513 as a new acceptance criteria is inappropriate for the visual examinations that are being required under Subsection IWE. This acceptance criteria is for indications found during volumetric or surface examinations not visual examinations. The proposed modification should be deleted from the rule.

2.2.3 Acceptance Standard for Surfaces Requiring Augmented Ultrasonic Examination

The thickness of metallic liners used in the construction of Class CC containments is based solely on constructability and largely on the thickness needed for the liner to act as a form for the concrete. There is no thickness needed during operation other than what is required in the design specification. So to impose an acceptance limit of 10% of the nominal wall thickness where in some cases the liner can be allowed to degrade to almost nothing is extremely conservative and unwarranted. Because these conditions exist it makes no sense to add acceptance criteria for these liners as a proposed modification under the rule. Therefore, this proposed modification is technically not needed and should be deleted from the rule.

2.2.4 Containment Penetration Piping

For the first part of this proposed limitation I would like to address the part that is being proposed against the use of an ASME Section XI Code exemption. The exemption has nothing to do with Licensee/Owner commitments associated with

High Energy Line Break (HELB) considerations. The Code is stating in the exemption that if piping welds are inaccessible by being encased in concrete, buried underground, or inside of a penetration then they are exempt from Class 1 and Class 2 volumetric and surface examination requirements. The exemption is provided in IWB-1220(d) and IWC-1223. There is nothing in Section XI that deals with Owner HELB FSAR commitments or Branch Technical Positions under SRP 3.6.2. The reasoning for not exempting welds in a penetration located on high-energy fluid system piping is recognized under a HELB program, but not under Section XI. I find it interesting to recall a NRC Staff member presentation at the July 2001, ASME/NRC Symposium, held in Atlanta this summer. The Staff member stated that the real concern with the application of these exemptions was not that the welds were inaccessible, they understand what inaccessible means, but that if the exemption was used the Staff would not know which plants have these types of inaccessible welds. It's interesting the concern expanded to HELB under this proposed rule change. All I would add at this point is that to my knowledge there can't be more than one or two plants in this country that have not completed their first 10-Year ISI interval examinations, if that, and every single one of them has had to file an ISI plan with the Staff for Review and approval. Including outage report results of examination limitations and relief requests for those limitations. So the Staff has the records to know which plants have Class 1 or Class 2 piping welds inside of penetrations and there is no need to waste resources any longer on this issue. No more restrictions need to be adopted to not allow these exemptions to be used under Section XI requirements. The proposed limitation needs to be deleted and removed from the rule.

Now for the second part of this proposed limitation, I can find no reason why the provisions for pressure testing containment penetration piping can not be exempted when the piping only performs a containment safety function. The staff immediately recognizes that this piping is tested under Appendix J, but they don't want to accept the test. If the safety function is containment and Appendix J is how we leak test the containment then I see no reason to add to the Code additional requirements to have this piping pressure tested under Section XI. This proposed addition to the requirements is a waste of resources, has no identified safety benefit, and should be deleted from the rule.

2.2.5 Certification of Nondestructive Examination (NDE) Personnel - NO COMMENT

2.2.6 Substitution of Alternative Methods - I support the comments of Rick Swayne provided on this section in his letter of August 22, 2001 to the Secretary Rulemaking and Adjudications Staff.

2.2.7 System Leakage Tests - I support the comments of Rick Swayne provided on this section in his letter of August 22, 2001 to the Secretary Rulemaking and Adjudications Staff.

2.2.8 Table IWB-2500-1 Examination Requirements - I support the comments of Rick Swayne provided on this section in his letter of August 22, 2001 to the Secretary Rulemaking and Adjudications Staff and would add the following in regards to the proposed CRD bolting limitation. Anytime this bolting is removed it is done using trained maintenance personnel. They are experienced enough to determine if the bolting has been mishandled to the point that it can no longer be re-used. Good work practice does happen without a requirement.

I have no further comments on any other sections except for the following:

4. Withdrawal of a Proposed Rule To Eliminate 120-Month Update

I support the Commission's decision to not eliminate the 120-month update requirement described in this section as it was the right thing to do.

Sincerely,

Raymond A. West