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STARS-01008

**DOCKET NUMBER**  
**PROPOSED RULE** **50**  
**(66FR 40626)**

STARS-00 DOCKETED  
USNRC

October 17, 2001

January 18, 2002 (9:37AM)  
OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Secretary  
U. S. Nuclear Regulatory Commission  
Attention: Rulemaking and Adjudications Staff  
Washington, DC 20555-0001

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**STRATEGIC TEAMING AND RESOURCE SHARING (STARS) COMMENTS ON PROPOSED RULE AND WITHDRAWAL OF PROPOSED RULE, 10 CFR 50.55A, INDUSTRY CODES AND STANDARDS; AMENDED REQUIREMENTS (66 FR 40626)**

Dear Secretary:

The subject Federal Register notice requested comments on the NRC proposal to amend its regulations to incorporate by reference a later edition and addenda of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code) and the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) to provide updated rules for construction, inservice inspection (ISI), and inservice testing (IST) of components in light-water cooled nuclear power plants. The proposed rule identifies the latest edition and addenda of the ASME BPV and OM Codes that have been approved for use by the NRC subject to certain limitations and modifications. The NRC also proposes withdrawing a supplemental proposed rule that would have eliminated the requirement for licensees to update their ISI and IST programs every 120 months to the latest ASME Code edition and addenda incorporated by reference in the regulations.

The STARS<sup>1</sup> utilities have reviewed the proposed changes and have the following comments:

1. The Summary of Proposed Revisions to 10 CFR 50.55a, paragraph 2.2.5, states "The proficiency of (Level I and Level II NDE) examination personnel decreases over time, ...". That statement directly conflicts with ANSI/ASNT CP189, which defines experience as "Actual performance or observation conducted during work time resulting in the acquisition of skill and knowledge. Classroom or laboratory training time or both shall not be considered as experience." The more time and experience an examiner has,

<sup>1</sup> The STARS group consists of five plants operated by TXU Electric, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company and STP Nuclear Operating Company.

the greater the skill and knowledge and thus the higher the proficiency. The assumption of decreasing skill with time made in paragraph 2.2.5 is invalid and in conflict with the established ANSI standard, and conclusions in support of regulatory positions should not be made on that basis.

2. Paragraph 2.2.6 discusses differences in requirements between Construction Codes and Inservice Inspection in support of new paragraph 50.55a(b)(2)(xix). This would disallow alternative examination methods or newly developed techniques for Construction Code examinations used in conduct of repair/replacement activities. NRC staff comments on this subject are otherwise well taken; however, it appears that editions and addenda of Section XI after the 1997 Addenda and 1998 edition contain an error in IWA-2240 and IWA-4520(c). The fact that there is no period at the end of IWA-2240 indicates it was not completely printed as intended and significant material that would satisfy NRC objections was left out. Since it is desirable that alternative methods and newly developed techniques should be able to be substituted for Construction Code methods that may have been specified 40 years ago and inappropriate for operating plant environments, the regulation should provide for alternative methods that meet the objectives of construction code examinations as well as alternatives that meet inservice inspection objectives. The following addition (underlined) to the existing IWA-2240, which could be included directly in the regulation, is suggested as a means of correcting the error in Section XI, satisfying NRC objections and preserving ability to use improved inspection methods: “Alternative examination methods, a combination of methods, or newly developed techniques may be substituted for the methods specified in the Construction Code or this Division, provided the Inspector is satisfied that the results are demonstrated to be equivalent or superior to those in the Construction Code for repair/replacement activities, or this Division for preservice and inservice examinations.”
3. The intent of paragraph (b)(3)(ii) appears to be a requirement to establish a program for periodic motor-operated valve (MOV) design basis verification. Reference to the ASME Code section for stroke time testing of an MOV is redundant and confusing since stroke time testing is already required to meet ASME Code requirements. Paragraph (b)(3)(iii) allows the use of ASME Code Case OMN-1 to satisfy periodic MOV design basis verification. Code Case OMN-1 identifies on the title page that it replaces all of the requirements for MOV testing with the exception of leak testing. Paragraph (b)(3)(iii) also states that all provisions of ASME Code Case OMN-1 shall apply.

The current wording suggests that only ASME Code stroke time testing and design basis verification is required for MOV testing and other provisions such as position indication testing and leak testing do not apply if a user chooses not to implement ASME Code Case OMN-1.

Given the current wording in paragraph (b)(3)(ii), paragraph (b)(3)(iii) is somewhat contradictory. In effect, paragraph (b)(3)(iii) gives the licensee permission to use Code Case OMN-1 in lieu of the stroke time testing referenced in paragraph (b)(3)(ii). ASME Code Case OMN-1 states that it is to be used instead of the requirements in ISTC for

testing an MOV except for leak testing. The current wording of the two paragraphs suggests that position indication testing must still be implemented when using ASME Code Case OMN-1, although it is contradictorily not required by ASME Code Case OMN-1 for which paragraph (b)(3)(iii) states all provisions shall apply. Suggest changing the wording in paragraph (b)(3)(ii) to "Licensees shall comply with the requirements of ASME OM Code for MOV testing and establish a program to ensure that motor-operated valves continue to be capable of performing their design basis safety functions."

4. The proposed modification to paragraph (b)(3)(vi) would require an exercise interval of 2 years for manual valves within the scope of the ASME OM Code in lieu of the exercise interval of 5 years specified in the 1999 Addenda and the 2000 Addenda of the ASME OM Code.

Contained within the ASME OM ISTC group minutes, (Sept 1995 meeting Colorado Springs) is task V95-01. This was the addition of manual valves into the ASME OM Code. ASME addressed this issue because Code wording appears to require testing of manual valves, when in fact the ASME OM meeting minutes that are the basis of the Code requirements indicate that manual valves were never intended to be exercised.

The Code change to incorporate manual valve exercising includes a white paper that describes the basis of the 5-year interval. Research of industry databases and corrective action history for manual valves was performed. The failure modes for a manual valve were also evaluated as evidenced in various meeting minutes. Under normal conditions, a manual valve does not fail after 5 years. This is due in part to an extremely low wear rate.

The precedent was set for up to 10 years in other places such as ASME OM Part 1 for safety and relief valves and 10 years for explosively actuated valves which are much more complicated devices and experience the same service conditions as manual valves. The 2 year Code requirement for observation of proper operation of remote indication for manual valves may have caused some confusion.

This item was voted upon and approved by the ASME OM Main Committee with no objection from the NRC. The NRC even noted this as an improvement in that a reduction of relief request submittals would result. It is outside of the spirit and intent of DSI-13 to place limitations on a consensus standard without at least communicating to the consensus body why the NRC has a concern. Relevant technical data should have been presented to the ASME during the consensus process that the NRC participated.

The document referenced as the basis for the NRC decision to limit the exercise interval to 2 years is Information Notice 86-61 (July 1986). This document was considered during the research phase. However, this reference is over 15 years old and does not consider a significant amount of industry records or the corrective actions industry has undertaken to lower component failure rates.

The research performed by ASME on the failure modes of manual valves identified that harsh service conditions are overwhelmingly the leading cause of valve hardware failure. A footnote was added to remind the Code user to consider harsh service conditions, and determine if more frequent exercising could mitigate a failure mechanism. The guidance provided to the user is more than is provided for other valve types, with the exception of relief valves, which require an evaluation for more frequent testing, but only after a failure occurs.

5. It is difficult to understand why NRC is withdrawing the Proposed Rule To Eliminate 120-Month Update (63 FR 63892), particularly when this proposed update rule must detail approximately 20 separate instances in which the required update is insufficient to meet safety standards and the previously existing requirements must be reinstated. The fact remains that a baseline Edition of Section XI, such as the 1989 Edition, augmented as necessary, such as by the requirements to implement Subsections IWE and IWL and Appendix VIII, is demonstrated adequate to ensure safety. Licensees should be able to adopt beneficial new Code provisions as the NRC approves them, but the continued imposition of the burden on licensees to update ISI programs every 10 years is unjustified. Accordingly, the NRC should proceed with elimination of the 10-year update requirement.

On behalf of the STARS utilities, I thank you for the opportunity to comment on the proposed changes to 10 CFR 50.55a. Please contact me if there are any questions concerning these comments (254-897-6887 or [dwoodla1@txu.com](mailto:dwoodla1@txu.com)) or Stan Ketelsen (805-545-4564 or [sck3@pge.com](mailto:sck3@pge.com)).

Sincerely,



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Integrated Regulatory Affairs Group  
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DRW/dw