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March 19, 2002

Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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Gentlemen:

NUCLEAR REGULATORY COMMISSION - INDUSTRY COMMENTS ON DRAFT REGULATORY GUIDELINES (DGs) ON ASME CODE CASES - (VOL. 66 *FEDERAL REGISTER* 67335), DATED DECEMBER 28, 2001)

This letter provides TVA's comments on the subject draft regulatory guides. The four draft regulatory guides are:

1. *DG-1089, Operation and Maintenance Code Case Acceptability, ASME OM Code*
2. *DG-1090, Design, Fabrication, and Materials Code Cases Acceptability, ASME Section III*
3. *DG-1091, Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1*
4. *DG-1112, ASME Code Cases Not Approved for Use*

TVA reviewed these DGs and our detailed comments are provided in the Enclosure. TVA's primary concern is that referencing guidelines in 10 CFR 50.55a could circumvent the commitment process or the code approval process. Also, the impact on Staff approved relief requests based on specific code cases is unclear.

TVA appreciates the opportunity to comment on these draft guidelines. Also, we support the comments made by the Nuclear Energy Institute. If you have questions regarding our comments, please contact R. M. Brown at (423) 751-7228.

Sincerely,

Mark J. Burzynski

Mark J. Burzynski
Manager
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Enclosure

cc (Enclosure):

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ENCLOSURE

DRAFT REGULATORY GUIDE/SECTION	COMMENTS
<p>DG-1089, "Operation and Maintenance Code Case Acceptability, ASME OM Code / Section B, "Discussion," the third paragraph (sentence 2)</p> <p>"If a Code Case is implemented by a licensee and a later version of the Code Case is incorporated by reference into 10 CFR 50.55a and listed in Tables 1 and 2 during the licensee's present ISI interval, that licensee will be able to use either the later version or the previous version (unless a specific limitation or condition is placed on the use of that Code Case, in which case the modification or limitation applies)."</p>	<p>Delete sentence 2 for the following reasons:</p> <ul style="list-style-type: none"> • Allows NRC to impose regulatory guideline special conditions through the Code of Federal Regulations without going through normal code approval process (e.g., the ASME Code consensus committee process, or an individual licensee back-fit evaluation), or the Licensing commitment process. • Particularly, the statement in parentheses implies that a licensee can no longer use Code Case relief provided by NRC safety evaluations once conflicting regulatory guidelines are incorporated by reference into the Code of Federal Regulations. • The statement in parenthesis implies that a licensee must immediately incorporate Code Case limitations from regulatory guidelines once they are reference under 10 CFR 50.55a.
<p>DG-1090, "Design, Fabrication, and Materials Code Cases Acceptability, ASME Section III (Proposed Revision 32 of Regulatory Guides 1.84 and 1.85 combined) / Section B, "Discussion," the fourth paragraph (same sentence as above)</p>	<p>Delete the second sentence in paragraph four for the same reasons stated for DG 1089.</p>
<p>DG-1091, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1 (Proposed Revision 13 of Regulatory Guide 1.147) / Section B, "Discussion," the third paragraph</p> <p>"The proposed amendment to 10 CFR 50.55a being developed would require that when a licensee initially implements a Code Case, the most recent version of that Code Case as listed in Tables 1 and 2 be</p>	<p>Delete the second sentence in paragraph three for the same reasons stated for DG 1089.</p> <p>Additional comments:</p> <ul style="list-style-type: none"> • It is not clear when or if licensees are expected to have all ISI program adjustments. • Licensees may not be able to identify all impacts on ISI programs and existing relief requests in a timely manner. • The new RG Code Case limitations may be impractical for a given configuration. This

DRAFT REGULATORY GUIDE/SECTION	COMMENTS
<p>implemented. If a Code Case is implemented by a licensee and a later version of the Code Case is incorporated by reference into 10 CFR 50.55a and listed in Tables 1 and 2 during the licensee's present ISI interval, that licensee will be able to use either the later version or the previous version (unless a specific limitation or condition is placed on the use of that Code Case, in which case the modification or limitation applies). Licensees who choose to continue use of the Code Case during the subsequent ISI interval will be required to implement the latest version incorporated by reference into 10 CFR 50.55a and listed in Tables 1 and 2."</p>	<p>could result in a new wave of NRC relief requests.</p> <ul style="list-style-type: none"> It is not clear whether this wording voids existing relief requests. For instance, DG-1091 adds a requirement on licensees to perform re-qualification of VT-2/N-546 trained personnel every three years. This requirement is not currently in some licensee's SERs with approval to use the Code Case. When N-546 is authorized in RG-1.147, it is not clear if the original requirements placed on licensees in existing SERs is required to be met as well as the new stipulations. Recent SERs received by licensees contain the following statements (in part): <p>"Therefore, the licensee's proposed alternatives are authorized pursuant to 10 CFR 50.55a(a)(3)(i) for the third 10-year ISI Interval. In addition, the use of Code Cases N-XXXX, and N-YYYY are authorized until such time the Code Cases are referenced in a future revision of Regulatory Guide (RG) 1.147. At that time, if the licensee intends to continue to implement Code Cases N-XXXX and N-YYYY, the licensee should follow all provisions in the subject code cases with the limitations (if any) listed in the RG 1.147."</p> <p>This SER imposes the same requirements as intended in the proposed draft regulatory guides. To the contrary, these same words are not in all licensee SERs pertaining to the use of certain Code Cases. Thus, it is not always clear when special provisions apply and do not apply.</p> This process is contrary to the consensus ASME Code usage endorsed by 10 CFR 50.55a. It appears that one of the intentions of the proposed NRC DGs is to standardize the industry. However, the burden of determining the applicability of proposed rule changes on Code Cases is placed unfairly and unequally upon the licensee. This is proposed without plant-specific back-fit evaluations by NRC staff. We prefer that the new guidelines are implemented at the start of each Unit's 10-year ISI interval. This is the best time to manage Code Case refinements in RG-1.147.
<p>DG-1112 - General Comment</p>	<ul style="list-style-type: none"> Provides good industry tool in the development and implementation of 10 CFR 50.55a-based programs.