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Subject: Comments on Draft Regulatory Guide, DG-1089, "Operation and Maintenance Code Case Acceptability, ASME OM Code" 66FR67335 dated December 28, 2001

Duke Energy offers the attached comments relative to the solicitation for public comments regarding Draft Regulatory Guide, DG-1089, "Operation and Maintenance Code Case Acceptability, ASME OM Code," as published in the Federal Register on December 28, 2001. Please address any questions to Lee Hentz at 704-382-8081.

Thank you for the opportunity to provide these comments.

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Duke Energy's Comments on
Draft Regulatory Guide DG-1089
Table 2, Section OMN-12

The comments below apply to Table 2, Conditionally Acceptable OM Code Cases for OMN-12, "Alternative Requirements for Inservice Testing Using Risk Insights for Pneumatically and Hydraulically Operated Valve Assemblies in Light Water Reactor Power Plants, OM Code 1998, Subsection ISTC."

Item 1: Paragraph 4200
This condition requires a "mix" of static and dynamic testing. This phrase seems to require some amount of dynamic testing and such a requirement may require unnecessary dynamic testing. The MOV JOG effort will provide a technical basis for many valve types concerning aging effects. Therefore, on-going dynamic testing may not be necessary on these valve types. In considering dynamic testing, other issues should be considered such as:

1. Dynamic testing can involve personnel safety risks. Some of these tests require personnel to be in close proximity to valves that isolate high energy lines.
2. Dynamic testing may promote seat damage to the valve. Though not necessarily a design basis issue, seat leakage may cause plant performance problems.
3. Some valves can only be flow tested during outage critical path time. The cost of dynamically testing these valves should be considered in comparison to any benefits.

Dynamic testing should be based on a specific technical foundation such as "dynamic testing should be considered where aging effects are not well understood."

Item 5: Paragraph 5000
Implementation of this condition is not feasible. Quantifying operating margin on safety related valves requires the same level of effort regardless of risk categorization. Duke's quality assurance programs do not allow for applying a "less rigorous" approach for LSSCs. Consider restating this condition as follows; "Any design issue discovered through industry feedback or operating experience that applies to an LSSC must be evaluated for potential effects on that LSSC".

Item 6: Paragraph 5100
This condition states that setpoints for LSSCs must be based on "direct dynamic test information, a test-based methodology, or grouping with dynamically tested valves". Similar to Item 5, this condition imposes the same level of effort as HSSCs. The setpoints for safety related LSSCs should be based on the manufacturer's original specification unless industry feedback or operating experience has revealed a design issue related to that LSSC.

Item 7: Paragraph 5400
This condition specifies "diagnostic" testing to validate setpoints on LSSCs. Typically, "diagnostic" testing refers to acquiring time based digital signatures. Many setpoints can be validated with a simple calibrated pressure gage and ruler. The condition should clarify "diagnostic" testing allowing for simple methods similar to the methods described above.