



Strategic Teaming and Resource Sharing

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**(67 FR 12488)**

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D. R. Woodlan, Chairman  
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OFFICE OF SECRETARY  
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STARS-02011

June 7, 2002

U.S. Nuclear Regulatory Commission  
ATTN: Rulemakings and Adjudications Staff  
Washington, DC 20555-0001

**Strategic Teaming and Resource Sharing (STARS)  
Comments on Proposed Rulemaking 10 CFR 50.55a  
Incorporation by Reference of ASME BPV and OM Code Cases  
(67 FR 12488)**

Gentlemen:

On March 19, 2002, the U.S. Nuclear Regulatory Commission (NRC) requested public comment on the NRC's proposed rulemaking of incorporating by reference ASME BPV and OM Code Cases (67 Fed. Reg. 12488). Attached are the Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> comments on the proposed rulemaking.

The STARS plants appreciate the opportunity to comment on this proposed rule. If there are any questions regarding these comments, please contact me at 254-897-6887 or dwoodla1@txu.com.

Sincerely,

D. R. Woodlan, Chairman  
Integrated Regulatory Affairs Group  
STARS

<sup>1</sup> STARS consists of six plants operated by TXU Generation Company LP, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

Comments on Proposed 10 CFR 50.55a Rule

COMMENT NUMBER	PAGE	PARAGRAPH	COMMENT	PROPOSED REVISION
1		55a(i)	Requirements shown as 10CFR50.55a(i) should be relocated under 55a(b) because of the similarity of requirements between these sections	Relocate 55a(i) to 55a(b).
2		55a(i)(2)(ii) 55a(i)(3)(ii) 55a(i)(4)(ii)	The requirement to apply a modification or limitation imposed by NRC on a later version of a Code Case to a previous version of that Code Case is not justified	<p>In 55a(i)(2)(ii), 55a(i)(3)(ii), and 55a(i)(4)(ii), delete the following: “, unless a specific limitation or condition is placed on the application of that code case, in which case the modification or limitation applies”.</p> <p>In 55a(i)(3)(ii), add the following in place of the deleted phrase: “, provided the later version of the code case is applicable to the Section XI code of record for the present inservice inspection interval”.</p> <p>In 55a(i)(3)(ii), add the following to the last sentence: “ that is applicable to the Section XI code of record for the subsequent interval”.</p>
3		55a(i)(2)(iv) 55a(i)(3)(iv) 55a(i)(4)(iv)	<p>Annulled Code Cases should be allowed to be used beyond the update of a Section III code of record or beyond the start of a new inspection or testing interval provided:</p> <ul style="list-style-type: none"> <li>• The annulled Cases are compatible with (i.e., applicable to) the new code of record, and</li> <li>• The annulled Cases do not unintentionally supplant a requirement of the new code of record.</li> </ul>	<p>Revise 55a(i)(2)(iv) and add 55a(i)(2)(v) to read as follows:</p> <p>(iv) A licensee that has initiated implementation of a code case that is subsequently annulled by the ASME may continue to apply that code case until (1) the licensee updates its Section III code of record to a code that is incompatible with the annulled case or (2) Article 55a or Regulatory Guide 1.84 specifically prohibits application of the annulled code case.</p> <p>(v) A licensee may implement a code case subsequent to its annulment by ASME provided the annulled case is compatible with the licensee’s present Section III code of record.</p> <p>Revise 55a(i)(3)(iv) and add 55a(i)(3)(v) to read as follows:</p>

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				<p>(iv) A licensee that has initiated implementation of a code case that is subsequently annulled by the ASME may continue to apply that code case through the end of the present inservice inspection interval and during subsequent intervals provided (1) the annulled case is applicable to the Section XI code of record for the subsequent interval(s) and (2) 10CFR50.55a or Regulatory Guide 1.147 has not specifically prohibited continued use of the annulled code case.</p> <p>(v) A licensee may implement a code case subsequent to its annulment by ASME provided the annulled case is applicable to the licensee's Section XI code of record for the present inservice inspection interval.</p> <p>Revise 55a(i)(4)(iv) and add 55a(i)(4)(v) to read as follows:</p> <p>(iv) A licensee that has initiated implementation of a code case that is subsequently annulled by the ASME may continue to apply that code case through the end of the present inservice testing interval and during subsequent intervals provided (1) the annulled case is compatible with the O&amp;M code of record of the subsequent interval(s) and (2) 10CFR50.55a or Regulatory Guide (temporarily designated DG-1089) has not specifically prohibited continued use of the annulled code case.</p> <p>(v) A licensee may implement a code case subsequent to its annulment by ASME provided the annulled case is compatible with the licensee's O&amp;M code of record for the present inservice testing interval.</p>

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4		55a(f)(3)(iii)(B) 55a(f)(3)(iv)(B) 55a(f)(4)(i) 55a(f)(4)(ii) 55a(g)(4)(i) 55a(g)(4)(ii)	Addition of a reference to optional ASME Code Cases for the following paragraphs of 10CFR50.55a as shown in the Proposed Revisions to clarify where approved ASME Code Cases may be used.	<ul style="list-style-type: none"> <li>• 10CFR50.55a(f)(3)(iii)(B): Pumps and valves, in facilities whose construction permit is issued on or after November 22, 1999, which are classified as ASME Code Class 1 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in editions and addenda of the ASME OM Code (<u>or the optional ASME Code Cases listed in the Regulatory Guides incorporated by reference in paragraph (i) of this section</u>) referenced in paragraph (b)(3) of this section at the time the construction permit is issued.</li> <li>• 10CFR50.55a(f)(3)(iv)(B): Pumps and valves, in facilities whose construction permit is issued on or after November 22, 1999, which are classified as ASME Code Class 2 and 3 must be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in editions and addenda of the ASME OM Code (<u>or the optional ASME Code Cases listed in the Regulatory Guides incorporated by reference in paragraph (i) of this section</u>) referenced in paragraph (b)(3) of this section at the time the construction permit is issued.</li> <li>• 10CFR50.55a(f)(4)(i): Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during the initial 120-month interval must comply with the requirements in the latest edition and addenda of the Code incorporated by reference in paragraph (b) of this section on the date 12 months prior to the date of issuance of the operating license (<u>or the optional ASME Code Cases listed in the</u></li> </ul>

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				<p><u>Regulatory Guides incorporated by reference in paragraph (i) of this section</u>), subject to the limitations and modifications listed in paragraph (b) of this section.</p> <ul style="list-style-type: none"> <li>• 10CFR50.55a(f)(4)(ii): Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during successive 120-month intervals must comply with the requirements of the latest edition and addenda of the Code incorporated by reference in paragraph (b) of this section 12 months prior to the start of the 120-month interval <u>(or the optional ASME Code Cases listed in the Regulatory Guides incorporated by reference in paragraph (i) of this section)</u>, subject to the limitations and modifications listed in paragraph (b) of this section.</li> <li>• 10CFR50.55a(g)(4)(i): Inservice examinations of components and system pressure tests conducted during the initial 120-month inspection interval must comply with the requirements in the latest edition and addenda of the Code incorporated by reference in paragraph (b) of this section on the date 12 months prior to the date of issuance of the operating license <u>(or the optional ASME Code Cases listed in the Regulatory Guides incorporated by reference in paragraph (i) of this section)</u>, subject to the limitations and modifications listed in paragraph (b) of this section.</li> <li>• 10CFR50.55a(g)(4)(ii): Inservice examination of components and system pressure tests conducted during successive 120-month inspection intervals must comply with the requirements of the latest edition and addenda of the Code incorporated by reference in paragraph (b) of this section 12</li> </ul>

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				<p>months prior to the start of the 120-month inspection interval (or the optional ASME Code Cases listed in the Regulatory Guides incorporated by reference in paragraph (i) of this section), subject to the limitations and modifications listed in paragraph (b) of this section.</p>
5		GENERAL COMMENT	<p>To require that an NRC limitation or condition placed on a later version (revision) of a Code Case be applied to a previously adopted earlier version of that Code Case is an unwarranted imposition of regulatory requirements. A licensee's adoption of a Case is based on several factors including a commitment of resources to implement the Case.</p> <p>This usually is based on expected savings of man-hours and/or man-rem of radiation exposure throughout the inspection interval. The licensee's adoption of a generically approved Case is based on the understanding that it will provide an acceptable level of quality and safety for the entire interval for which it is adopted. In addition, NRC limitations or conditions regarding a later version of a Case may result from the revisions included by ASME in the later version, and may not be applicable to an earlier version of the Case.</p> <p>Imposing additional limitations or conditions on a previously adopted Code Case during the inspection/test interval is not consistent with the regulatory requirement to periodically update ISI Code bases in accordance with 10CFR50.55a. When NRC updates the reference to Section XI Codes in 10CFR50.55a, this regulation requires the later Code rules be adopted at the beginning of the next interval, except for expedited implementation for special circumstances. Licensees can continue to apply their current ISI Code bases up to ten years before</p>	See Proposed Revision in comment 2 above.

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			<p>adopting a revised Code requirement or an NRC modification or limitation on a Code requirement. Therefore, it should be acceptable to retain an adopted Code Case for up to ten years before deciding whether to adopt a revised Case or a limitation or condition imposed by NRC on a revised Case. Otherwise, application of additional limitations or conditions on a previously adopted Code Case should be considered a backfit.</p>	
6		GENERAL COMMENT	<p>ASME's actions to annul Code Cases are primarily taken because a Code Case has been incorporated into the Code. Some Cases are also annulled because ASME is not aware of a continued need for the Case. The NRC should revise its requirements to allow an annulled Case to be adopted by a licensee because of the hardship this creates for licensees that have not yet adopted use of the Case or the Code edition or addenda that incorporated the case. The current NRC position on Cases annulled because of incorporation into the Code forces a licensee to either not be able to use the Case, or to submit a request for relief to use the annulled Case or the later Code edition or addendum that contains the incorporation. This request for relief would be required because often the NRC has not yet accepted in 10CFR50.55a the edition or addenda incorporating the Case. There is no technical reason for not continuing to allow an annulled Case to be used when the only reason it was annulled was because it has been incorporated.</p>	See Proposed Revision in comment 3 above.