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USNRC

March 12, 2004

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

4

Dear Sirs;

On Wednesday, January 7, 2004, in Vol. 69, No. 4, of the Federal Register, the U. S. Nuclear Regulatory Commission (NRC) proposed amendments to its regulations and invited comments. The following comments, referenced to the applicable sections of the proposed rule, are submitted on my own behalf for your consideration.

1. Proposed Section – 10 CFR 50.55a(b)(2)(ix)

Limitation - (b)(2)(ix) states in part- ..*"Licensees applying Subsection IWE, 2001 Edition through the latest edition and addenda icorporated by reference in paragraph (b)(2) of this section, shall satisfy the requirements of paragraphs (b)(2)(ix)(A) and (b)(2)(ix)(F) through (b)(2)(ix)(I) of this section."*

Comments/Recommendations - The implication with this change is that (b)(2)(ix)(B) does not apply to editions and addenda beyond the 2000 Addenda. Within the summary of proposed change, it states that the minimum illumination and distance requirements for visual examination were revised in the 2003 Addenda, that the revision made them equivalent to (b)(2)(ix)(B), and, therefore, the modification in (b)(2)(ix)(B) would not apply to the 2003 Addenda. This would mean that (b)(2)(ix)(B) should still apply through the 2003 Edition, which is not what the proposed (b)(2)(ix) states. Also, the referenced revision of Table IWA-2210-1 was rescinded by a special Erratum in December of 2003. Therefore, (b)(2)(ix)(B) should still apply through the latest edition and addenda.

2. Proposed Section – 10 CFR 50.55a(b)(2)(xx)

Limitation - (b)(2)(xx) states in part- ..*"When perfoming a system leakage test in accordance with IWA-5213(a), 1997 Addenda through the 2001 Edition, a ..."*

Comments/Recommendations - The implication with this change is that (b)(2)(xx) does not apply to editions and addenda beyond the 2001 Edition. Within the summary of proposed change, it states that the system leakage test requirements were revised in the 2002 Addenda to be equivalent to the existing requirements of (b)(2)(xx). However, the referenced revision of IWA-5213(a) did not occur until the 2003 Addenda. Thus, the proposal should be revised to state the limitation is applicable through the 2002 Addenda.

Template = SECY-067

SECY-02

3. Proposed Section - 10 CFR 50.55a(b)(2)(xxii)

Limitation - (xxii) states – *"Surface Examinations. The use of the provisions in IWA-2220, 'Surface Examination,' of Section XI, 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, that allow the use of an ultrasonic examination method, is prohibited."*

Comments/Recommendations - After the word prohibited above, add: "unless the ultrasonic examination method has been demonstrated by a successful performance demonstration" and revise to state: "Surface Examinations. The use of the provisions in IWA-2220, "Surface Examination," of Section XI, 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, that allow the use of an ultrasonic examination method, is prohibited unless the ultrasonic examination method has been demonstrated by a successful performance demonstration."

Technical Basis - This action will address the concern that there are no provisions in Section XI that address qualification requirements and performance demonstration criteria and requirements to ensure proper consideration of flaws in the outer surface of a piping weld when conducting a UT examination from the inside surface of the piping weld.

4. Proposed Section - 10 CFR 50.55a(b)(2)(xxiv)

Limitation - (b)(2)(xxiv) states – *"Incorporation of the Performance Demonstration Initiative and Addition of Ultrasonic Examination Criteria. The use of Appendix VIII and the supplements to Appendix VIII and Article I-3000 of Section XI of the ASME BPV Code, 2002 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, is prohibited."*

Comments/Recommendations - Delete "and Article I-3000" and revise to state: "Incorporation of the Performance Demonstration Initiative and Addition of Ultrasonic Examination Criteria. The use of Appendix VIII and the supplements to Appendix VIII of Section XI of the ASME BPV Code, 2002 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section, is prohibited."

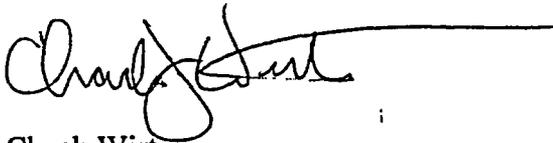
Technical Basis - ASME Section XI, Appendix VIII provides performance demonstration requirements that, for nuclear applications, are a superior alternative to the earlier prescriptive examination requirements. However, the earlier prescriptive examination requirements did include examination coverage requirements, which Appendix VIII does not. This oversight was subsequently corrected when examination coverage requirements were included in 10 CFR 50.55a published September 22, 1999.

Article I-3000 of Section XI of the ASME BPV Code, 2002 Addenda was proposed by the PDI and the addition of UT examination coverage criteria into Section XI is considered to be complete. Though there are differences between Article I-3000 and 10CFR50.55a,

Article I-3000 provides for technically responsive alternatives to the existing 10CFR50.55a requirements that have been accepted through the consensus process of the ASME B&PV Code and should be accepted as an alternative. Since no specific conflicts were identified, the PDI is unable to provide any additional technical basis for this position.

Implementation of Article I of Section XI of the ASME BPV Code, 2002 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) will result in other positive benefits. The examination coverage requirements are more concisely defined in Article I and will be more easily understood by licensees and their contractors. Where coverage requirements are impossible to meet due to design access conditions, licensees will be able to submit for relief from a Code requirement rather than be concerned about asking for an exemption from the Rule. It will also enable licensees to evaluate effective application of Appendix VIII qualified procedures to other components outside the scope of Appendix VIII without additional confusion over the applicable examination coverage requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Wirtz", with a long horizontal line extending to the right from the end of the signature.

Chuck Wirtz
Member ASME Subcommittee XI

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