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ADJUDICATIONS STAFF

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

**SUSQUEHANNA STEAM ELECTRIC STATION**  
**COMMENTS ON PROPOSED CHANGE**  
**TO 10 CFR 50.55a (RIN 3150-AH24)**  
**PLA-5735**

Docket Nos. 50-387  
and 50-388

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 paragraph numbers preceded by the 10 CFR 50.55a nomenclature, are submitted by PPL Susquehanna, LLC (PPL) for your consideration.

*Comment - (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.*

**Proposed change - 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.**

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SECY-02

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 10 CFR 50.55a, Article I-3000 provides for technically responsive alternatives to the existing 10 CFR 50.55a requirements that have been accepted through the consensus process of the ASME B&PV Code and should be accepted as an alternative.

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.

**Comment** - PPL supports the proposed prohibition to 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), as there are currently differences between the Supplements and the Rule. They exist to a large extent because PDI is just now beginning to Codify the lessons learned after implementing some of the more challenging Supplements with the November 22, 2002 implementation date, e.g., Supplements 5, 7, and 10. However, the background information to the proposed change states in part, "...conflicts exist between the modifications in Sec. 50.55a(b)(2)(xv), and the provisions in Appendix VIII and its supplements and Article I-3000 in the 2002 and 2003 Addenda of Section XI of the ASME BPV Code. Therefore, Appendix VIII and its supplements can not be implemented in accordance with Sec. 50.55a(b)(2)(xv) when using the 2002 and 2003 Addenda." The word "conflicts" in the above statement projects unintended negative connotations because it is not representative of the cooperative framework established by the Performance Demonstration Initiative (PDI), the NRC, and the ASME to implement an effective qualification program. We would hope that more suitable terminology could be employed.

**Comment** - (b)(2)(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.*

**Proposed change** - 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.

**Comment – (b)(2)(xxviii) –states – Reconciliation of Quality Assurance Requirements. Components used for repair/replacement must be manufactured, procured, and controlled as a safety-related component under a quality assurance program meeting the requirements of Appendix B to 10CFR part 50 when using IWA-4226.1, 2003 Agenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of the section.**


**Proposed change – delete the entire proposed section.**

**Technical basis** - ASME Section XI IWA-4000 does not permit an Owner to violate their QA Program or commitments to the regulator. Specifically, IWA-4142 requires the Owner to maintain a QA Program in accordance with IWA-1400(n). IWA-4222 does stipulate that only technical differences between the Construction Code of a replacement item and the original Construction Code need be reconciled. However, while administrative requirements need not be reconciled, a complete set of administrative requirements must be met. Additionally, the footnote on IWA-4222(a)(2), which was added to address the NRC's concerns during the committee process, specifically states that "This provision does not negate the requirement to implement the Owner's QA Program, nor does it affect Owner commitments to the regulatory and enforcement authorities."

The subparagraph referenced, IWA-4226.1 does not address either procurement or manufacturing requirements. It addresses technical differences between design rules of two different construction codes (i.e., differences in Article NB-3000 rules between two editions).

The example provided in the proposed rule is not permitted by the rules of ASME Section XI. The component must be manufactured in accordance with a complete set of administrative requirements (per IWA-4222(b)), which includes a Quality Assurance Program meeting the requirements of the original construction code or that of the replacement item.

Please contact Mr. C. T. Coddington at (610) 774-4019 if there are questions concerning these comments.



B. L. Shriver

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