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**PERFORMANCE
DEMONSTRATION
INITIATIVE**

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**PR 50
(72FR16731)**

May 11, 2007

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

DOCKETED
USNRC

June 1, 2007 (3:25pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Sirs;

On Thursday, April 5, 2007, in Vol. 72, No. 65, 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, are submitted by the Performance Demonstration Initiative (PDI) for your consideration. The U.S. nuclear utilities created the PDI to implement performance demonstration requirements contained in Appendix VIII of Section XI of the Code. PDI is an organization comprised of all U.S. nuclear utilities and several foreign utilities that was formed to provide an efficient, technically sound implementation of the performance demonstration requirements contained in Appendix VIII to Section XI of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code.

Proposed Rulemaking Change:

"Paragraph 50.55a(b)(2)(xv) specifies implementation of Appendix VIII of Section XI, the 1995 Edition through the 2001 Edition of the ASME BPV Code with regard to ultrasonic examinations of piping systems. The proposed change would reference and allow the use of the 2004 Edition of the ASME Code."

Comment:

The above-proposed change to allow the use of the 2004 Edition is contrary to the existing requirement in (xxiv) which states: *"(xxiv) 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."*

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SECY-02

Since no change is proposed for (xxiv) the Rule contains conflicting requirements.

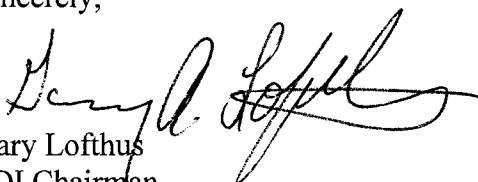
Additionally, there are no proposed changes to the existing requirements in the (xv) subparagraphs. Since only portions of the (xv) subparagraph requirements have been incorporated into the 2004 Edition of Appendix I and Appendix VIII in modified form, conflicts will exist (e.g., Supplement 4 single side access qualifications) in the examination or qualification requirements.

Updating Appendix VIII to the 2004 Code would require the PDI Program to perform a lengthy review of its program to assure compliance. Without a commensurate change to the (xv) subparagraphs the divergent requirements could prove problematic and lead to otherwise unnecessary relief requests.

Proposed Resolution:

Based on the resolution of previous comments, PDI understands that no changes can be made to paragraph (xxiv) or the (xv) subparagraphs since none were proposed in this action. However, if implemented, the proposed change will result in conflicting requirements, confusion, and an unnecessary burden on PDI and its members. The PDI has worked closely with representatives from the NRC and ASME and all remaining issues should be resolved in the 2007 Edition of ASME Section XI. PDI recommends that (xv) remain unchanged until the 2007 Edition of Appendix I and VIII are adopted on an expedited basis.

Sincerely;


Gary Lofthus
PDI Chairman