

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

June 1, 2010

**NRC REGULATORY ISSUE SUMMARY 2010-06
INSERVICE INSPECTION AND TESTING
REQUIREMENTS OF DYNAMIC RESTRAINTS (SNUBBERS)**

ADDRESSEES

All holders of and applicants for a power reactor operating license, construction permit or early site permit pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing this regulatory issue summary (RIS) to remind licensees of the requirements for the inservice inspection (ISI) and testing of dynamic restraints (snubbers) under 10 CFR 50.55a(g) and 10 CFR 50.55a(b)(3)(v). The RIS also informs stakeholders that NRC has issued an Enforcement Guidance Memorandum (EGM) providing NRC staff guidance for disposing of certain violations of 10 CFR 50.55a, "Code and Standards," to ensure that licensee programs for ISI and testing of snubbers are in accordance with the requirements in 10 CFR 50.55a. This RIS requires no action or written response on the part of an addressee.

BACKGROUND INFORMATION

The regulations at 10 CFR 50.55a(b) describe the Codes and standards that have been approved for inclusion in 10 CFR Part 50, including the effective edition and addenda of the American Society of Mechanical Engineer (ASME) Boiler and Pressure (BPV) Code and the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code).

The regulations at 10 CFR 50.55a(g) establish the ISI requirements that licensees must use when performing ISI of components (including supports). 10 CFR 50.55a(g)(4) states, "Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, components (including supports) which are classified as ASME Code Class 1, Class 2, and Class 3 must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of editions of the ASME BPV Code and addenda." 10 CFR 50.55a(g)(4)(ii) requires the use of the latest edition and addenda of the Code that has been incorporated by reference 12 months prior to the beginning of each 120-month inspection interval. This Code is considered to be the "Code of Record" for the inspection interval. Additionally, 10 CFR 50.55a(g)(4)(iv) states that ISI of components (including supports) may meet the requirements set forth in subsequent editions to the "Code of

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Record” and addenda that are incorporated by reference in 10 CFR 50.55a(b), subject to limitations and modifications listed in 10 CFR 50.55a(b) and subject to Commission approval.

ASME BPV Code, Section XI provides the rules for ISI of nuclear power plant components. Article IWF-5000, “Inservice Inspection Requirements for Snubbers,” of Section XI provides requirements for the examination and testing of snubbers in nuclear power plants. Article IWF-5000 has required the ISI and testing of snubbers since the first issuance of Subsection IWF in the Winter 1978 Addenda of ASME BPV Code, Section XI, which was incorporated into 10 CFR 50.55a in January 1982.

Before snubber examination and testing requirements were incorporated into ASME BPV Code, Section XI, these requirements were contained in the technical specifications (TS) for nuclear power plants. Improved Technical Specifications (ITS) for various boiling and pressurized water-cooled nuclear power plants (NUREG-1430 thru 1434, Revision 3) allowed relocating inservice examination and testing requirements of snubbers from the TS to the Technical Requirements Manuals (TRM) for the plants. Relocating snubber ISI and testing requirements from the TS to TRM did not eliminate the need to comply with the 10 CFR 50.55a requirements.

10 CFR 50.55a(b)(3)(v) allows the optional use of Subsection ISTD, “Preservice and Inservice Examination and Testing of Dynamic Restraints (Snubbers) in Light-Water Reactor Nuclear Power Plants,” of the ASME OM Code-1995 Edition through the latest edition and addenda, in lieu of ASME BPV Code, Section XI, Articles IWF-5200(a) and (b) and IWF-5300(a) and (b) provided that TSs or licensee-controlled documents are updated to reflect these changes. If Subsection ISTD is used in lieu of Section XI, Article IWF-5000, for snubber ISI and testing, preservice and inservice examination must be performed using the VT-3 visual examination method described in IWA-2213.

SUMMARY OF ISSUE

NRC staff has identified several instances in which nuclear power plant licensees have used a TRM, or other licensee-controlled documents and procedures, which do not meet requirements of their “Code of Record” for the ISI and testing of snubbers. These licensees have not requested approval to use these alternatives from the Commission.

Additionally, some licensees have interpreted incorrectly that inservice inspection and testing of snubbers is not a 10 CFR 50.55a regulatory requirement, because (1) they believe that snubbers are not part of component “supports”; (2) historically snubber examination and testing requirements were defined in the TS, before they were incorporated in ASME BPV Code, Section XI requirements; and (3) ITS allowed relocation of snubber examination and testing requirements from the TS to TRM. In 1999, the NRC clarified in the final rule dated September 2, 1999 (Volume 64 of the *Federal Register*, page 51389 (64 FR 51388)), that examination and testing of snubbers is a regulatory requirement and has been for many years. Inservice examination and testing is required by 10 CFR 50.55a because it incorporates by reference ASME BPV Code, Section XI requirements, including Article IWF-5000.

Licensees shall perform the ISI and testing of snubbers in accordance with ASME BPV Code, Section XI or the OM Code and the applicable addenda as required by 10 CFR 50.55a(g) or 10 CFR 50.55a(b)(3)(v), except where the NRC has granted specific written relief, pursuant to 10 CFR 50.55a(g)(6)(i), or authorized alternatives pursuant to 10 CFR 50.55a(3). 10 CFR 50.55a(a)(3) states that licensees may use alternatives to the requirements of 10 CFR 50.55a(g) when authorized by the NRC if (1) the proposed alternatives would provide an acceptable level of quality and safety, or (2) compliance with the specified requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

Licensees have the option to control the ASME Code-required ISI and testing of snubbers through their TS or other licensee-controlled documents (e.g. TRM, etc.). For plants using their TS to govern ISI and testing of snubbers, 10 CFR 50.55a(g)(5)(ii) requires that if a revised ISI program for a facility conflicts with the TS, the licensee shall apply to the Commission for amendment of the TS to conform the TS to the revised program. Therefore, when performing 120-month program updates in accordance with 10 CFR 50.55a(g)(4), licensees must submit any required amendments to ensure their TS remain consistent with the new code of record or NRC-approved alternative used in lieu of the Code requirements. The TS, TRM, or other licensee-controlled documents, governing the snubber ISI and testing program, do not eliminate the 10 CFR 50.55a requirements to update the program at 120-month intervals, in accordance with 10 CFR 50.55a(g)(4), or to request and receive NRC authorization for alternatives to the Code requirements, when appropriate.

Licensees must submit a request and receive NRC approval when they are using the licensee-controlled documents for the plant (e.g. TRM, etc.), in lieu of the ASME BPV Code, Section XI or OM Code requirements for snubber ISI and testing. Typically, if licensees use TS, TRM, or any other licensee-controlled documents which represent a departure from the ASME Code requirements for the ISI and testing of snubbers, they would submit an alternative for NRC approval as required by 10 CFR 50.55a(3), on a case by case basis. The authorized alternative becomes a regulatory requirement that may be used in lieu of ASME BPV Code, Section XI or OM Code requirements for performing the ISI and testing of snubbers. The NRC staff must review and approve changes to these requirements for authorization under 10 CFR 50.55a(a)(3) or as an exemption under 10 CFR 50.12, "Specific Exemptions." Alternatives requested and authorized pursuant to 10 CFR 50.55a(a)(3) are only valid for that particular 10-year ISI interval, unless specifically authorized for a different period in the associated NRC safety evaluation. In a subsequent 10-year ISI interval, licensees must resubmit an alternative for NRC staff review and approval, if they choose not to adopt the ASME Code edition and addenda specified in the regulations for snubber ISI and testing.

This RIS reminds licensees of the NRC's rules and regulations regarding snubber ISI and testing, in accordance with 10 CFR 50.55a, at nuclear power plants. The NRC expects licensees to ensure that their snubber ISI and testing programs are in compliance with 10 CFR 50.55a or authorized alternatives. If licensees discover that their programs are not meeting 10 CFR 50.55a requirements or authorized alternatives, they should take appropriate actions to bring their programs back into compliance and ensure that non-compliant systems, structures and components are operable. In certain circumstances involving snubber programs at nuclear

power plants that are not in compliance with NRC requirements, enforcement discretion may be available. The NRC's Office of Enforcement issued EGM-10-001 to provide NRC staff guidance for the disposition of certain 10 CFR 50.55a violations and the potential granting of enforcement discretion for the affected requirements. Specific guidance for this enforcement discretion is described in EGM-10-001 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML101390020) and is available on the NRC's web site at www.nrc.gov.

BACKFIT DISCUSSION

This RIS reminds stakeholders of existing rules and regulations regarding the inservice inspection and testing of snubbers in nuclear power plants per 10 CFR 50.55a(g) or 10 CFR 50.55a(b)(3)(v). This RIS does not represent a new or different staff position about the implementation of 10 CFR 50.55a(g) or 10 CFR 50.55a(b)(3)(v) and reminds licensees of the need to request NRC approval for the use of TS, TRM, or other licensee-controlled documents in lieu of the Code requirements.

This RIS also informs stakeholders that the NRC has issued EGM-10-001, providing NRC staff guidance on the disposition of violations of certain 10 CFR 50.55a requirements for the inservice inspection and testing of snubbers.

The NRC staff is not imposing any new positions or requirements on licensees. This RIS is not providing any new regulatory positions. This RIS only conveys the NRC's current requirements for snubber examination and testing and the options for licensees to meet the required rules and regulations. This RIS does not require licensees to change or modify procedures or processes. Any action on the part of an addressee in response to the information in this RIS is strictly voluntary. This RIS requires no action or written response beyond what is required in 10 CFR 50.55a, therefore, is not a backfit under 10 CFR 50.109, "Backfitting." Consequently, the NRC staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

Although this RIS is informational and does not represent a departure from the current regulatory requirements, a notice of opportunity for public comment on this RIS was published in the *Federal Register* (Volume 74, No. 226, Page 61715) on Wednesday, November 25, 2009, for 45 days. There were three comments from stakeholders, which were considered before issuance of this RIS. Each of the comments were documented and responded to by NRC staff and are available in ADAMS at Accession No. ML101241227.

CONGRESSIONAL REVIEW ACT

The NRC has determined that this RIS is not a rule under the Congressional Review Act (5 U.S.C. §§ 801–808) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

CONTACT

Please direct any questions about this matter to the technical contact(s) listed below or to the appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

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