

June 28, 2010

DOCKETED
USNRC

July 15, 2010 (10:15am)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: Public Comments on Proposed Rule, Docket ID NRC-2008-0554

References: 1. Federal Register, Volume 75, No. 85, Tuesday, May 4, 2010, Proposed Rules

Dear Sir or Madam:

I am pleased to have the opportunity to provide comments and suggestions on proposed rule changes contained in Reference 1.

I work in the nuclear industry and I am a member of the American Society of Mechanical Engineering (ASME) Section XI Standards Committee. As such, I support the NRC's endorsement of ASME Codes and Standards and the NRC's continued effort in this area to complete these updates and rulemakings on a regular basis. However, and on my own behalf, I request that the comments identified below be considered in this rulemaking.

1. Proposed Change to 10CRF50.55a(a)(3)

The proposed revision adds the following sentence to (a)(3). "Any proposed alternatives must be submitted and authorized prior to implementation." In the explanation of the change, it states that (a)(3) has been misinterpreted by licensees resulting in alternatives being implemented prior to approval of the alternative. Thus it is implied that this change is a clarification of existing requirements. As written, I believe this clarification could be interpreted to mean that an alternative examination could not be field implemented prior to NRC authorization even when the examination is not yet required to be credited towards meeting the required Section XI completion percentages. If that is the intent, then I believe it is too restrictive. For example, if a plant has a proposed alternative to implement a risk-informed (RI) inservice inspection (ISI) program that has not yet been authorized by the NRC, and chooses to perform some of the RI-ISI exams in the first outage of an inspection period when they are not yet required to be credited towards the required completion percentages, and subsequently receives NRC approval of the RI-ISI program before the end of the inspection period, then the exams should be able to be credited. There is some risk on the licensee's part in performing alternative examinations prior to NRC authorization, but as long as they are not yet required to be credited it is a business decision not a safety or Code compliance decision. Suggest revising the proposed new sentence to read, "Any proposed alternatives to examination requirements must be submitted and authorized prior to the time at which the examinations are required to be credited. All other proposed alternatives (e.g., Repair/Replacement) must be submitted and authorized prior to implementation."

2. Existing Condition (b)(2)(xxi)(B)

Existing condition (b)(2)(xxi)(B), proposed to be redesignated as (b)(2)(xvii)(B), states, "The provisions of Table IWB-2500-1, Examination Category B-G-2, Item B7.80, that are in the 1995 Edition are applicable only to reused bolting when using the 1997 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section." I believe the intent of the condition is that licensees will still perform VT-1 of reused CRD bolting even though the CRD bolting Item, B7.80, was deleted in later editions and addenda. First, Item B7.80 was deleted from Table IWB-2500-1, Examination Category B-G-2 in the 1995 Addenda, so I believe the condition should be applied when using the 1995 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2). Second, I think the condition could be clarified through better wording of the requirement. I suggest the condition be revised to state, "The provisions of Table IWB-2500-1, Examination Category B-G-2, Item B7.80, that are in the 1995 Edition, must be applied to reused CRD bolting when using the 1995 Addenda through the latest edition and addenda incorporated by reference in paragraph (b)(2) of this section." Furthermore, consideration should be given to deleting this condition entirely as it is inconsistent with RG 1.147, Rev 15's unconditional approval of Code Case N-652-1, which does not include Item B7.80 or any provisions for examination of CRD bolting.

3. Proposed Change to 10CRF50.55a(g)(5)(iii) and (g)(5)(iv)

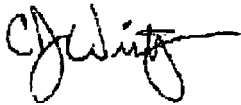
The proposed revision adds the following sentence to (g)(5)(iii), "Requests for relief made in accordance with this section must be submitted to the NRC no later than 12 months after the examination has been attempted." In the explanation of the change, it states that this is a clarification. The requirement to submit the relief request after the examination has been attempted may in fact be a clarification of the NRC's intent, but the requirement to submit the relief request within 12 months of the attempt is certainly not a clarification, it is a new requirement. The backfit analysis for this change states, "These proposed revisions clarify the current requirements, are considered to be consistent with the meaning and intent of the current requirements, and therefore are not considered to result in a change in requirements. As such, these proposed changes are not backfits." I disagree with this analysis. Licensees that have performed limited examinations due to impracticality during their current inspection interval and who are planning to submit relief requests prior to close out of the interval to meet the current CFR requirements, but that are already beyond one year since the examination was attempted, would be in immediate non-compliance with the rule when it is issued. Additionally, if (g)(5)(iii) is revised as proposed, then it conflicts with (g)(5)(iv) and/or (g)(5)(iv) becomes redundant. To remedy these problems, I suggest that (g)(5)(iii) simply be revised to clarify that the request for relief must be submitted after the examination is attempted and then (g)(5)(iv) can stay as proposed and licensees will be required to submit such reliefs within 12 months of the end of their inspection interval.

4. Proposed Redesignation of Paragraphs

I disagree with the proposed redesignation of the paragraphs within 10CRF50.55a. Because there are numerous conditions in 10CFR50.55a placed on the use of the ASME Code Sections, it is an onerous process for licensees to track all the conditions and ensure that their inservice testing and inspection programs are in compliance with them. To assist in this process, many licensees have incorporated references to the conditions in their program procedures or bases documents utilizing the current paragraph designations. Thus, redesignation of the paragraphs would place a significant administrative burden on licensees.

If you have any questions, please contact me by telephone at (440) 346-7124 or by e-mail (aussie-dog@sbcglobal.net) and thank you for consideration of my comments.

Very Truly Yours,



Charles J. Wirtz
ASME Section XI Standards Committee Member

cc: W.E Norris, USNRC Research Wallace.Norris@nrc.gov

Rulemaking Comments

From: cjwirtz@firstenergycorp.com
Sent: Wednesday, July 14, 2010 12:44 PM
To: Rulemaking Comments
Subject: Comments on Proposed Rule, Docket ID NRC-2008-0554
Attachments: Wirtz Public Comments on May 4 2010 Proposed Rule Changes.doc

Please see the attached.

Sincerely,

Chuck Wirtz
440-346-7124 (c)

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