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# PUBLIC SUBMISSION

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**Docket:** NRC-2016-0082

American Society of Mechanical Engineers 2015 - 2017 Code Editions Incorporation by Reference

**Comment On:** NRC-2016-0082-0003

American Society of Mechanical Engineers 2015-2017 Code Editions Incorporation by Reference

**Document:** NRC-2016-0082-DRAFT-0004

Comment on FR Doc # 2018-24076

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## Submitter Information

**Name:** Jarno Makkonen

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## General Comment

My comments are in the attached PDF as they are too long for this input field.

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## Attachments

Comments to NRC

Comments to NRC-2016-0082 Proposed rule (reference 83 FR 56156)

The comments provided are from the perspective of a manufacturer of components compliant with ASME Boiler and Pressure Vessel Code, Section III, Division 1, for installation in nuclear power plants under the jurisdiction of the NRC. The views expressed are my own and do not necessarily reflect the views of my employer. I have comments to 3 specific provisions in the proposed rule.

1. Change to 10 CFR 50.55a(b)(1)(v)

The text of the revised rule is not actually provided in the Federal Register notice for this sub-paragraph referenced in the Discussion section of the notice. Neither the current text nor the proposed revision are consistent with the rationale given in the discussion section. The current rule prohibits the use of NCA-4134.10(a) in its entirety. That Code paragraph has three separate functions. First, it incorporates by reference all of Supplement 10S-1 of NQA-1. Second it exempts the requirement in paragraph 3.1 and finally, it also exempts the requirements for in service inspection. The rationale given in the proposed rule discussion states that only the exemption of the requirements of paragraph 3.1 is problematic. This implies that it is desired that the rest of Supplement 10S-1, except for the requirements of in service inspection, should apply. As such, the current rule needs modified to be consistent with the stated intent and below is suggested text.

*(v) Section III Condition: Independence of inspection. Applicants or licensees may not apply the exception to paragraph 3.1 of Supplement 10S-1 of NQA-1 as referenced in section NCA-4134.10(a) of Section III, 1995 Edition through 2009b Addenda of the 2007 Edition.*

Additionally, it should be considered that the Quality Program requirements for holders of ASME Certificates of Authorization for work within the scope of Section III, Division 1 must continually update their Quality Programs to comply with NCA-3800 and NCA-4000 within 6 months of issue of new Code Editions per NCA-1140. As such, no current Certificate Holder would be able to use the exception to paragraph 3.1 of Supplement 10S-1 of NQA-1 being prohibited by this condition since their quality programs would currently comply with the 2017 Edition. As well, no component manufactured in accordance with the old Section III rules and, as a result, without an ASME Certification of Authorization and mandatory Authorized Inspection could be delivered and installed to a nuclear power plant under the jurisdiction of the NRC per the rules of Part 50 of Title 10 of the Code of Federal Regulations. This condition could be eliminated without creating any risk or substantial safety hazard to the operation of the US nuclear fleet.

2. Addition of 10 CFR 50.55a(b)(1)(x)(B)

In the Discussion section of the notice, the rationale given for the inclusion of this condition is that 2017 Edition paragraph NX-2582, in referencing ASTM F788 and ASTM F812 as acceptance criteria, only considers workmanship, finish, and appearance and does not consider structural integrity. The condition then stipulates the use of the acceptance criteria given in the 2015 Edition of NX-2582 be used instead. This rationale is incorrect.

ASTM F788 and ASTM F812 provide quantitative acceptance criteria for imperfections in bolts and nuts, respectively, for cracks, bursts, seams, folds, voids and tool marks and were been developed based on industry experience. The acceptance criteria given in the 2015 Edition is only qualitative and thus leaves the determination of whether a given imperfection would be detrimental to the intended service

entirely to the person performing the examination. By eliminating the need for judgement by the person performing the examination, this strengthens, rather than weakens, detection of non-compliant material that could result in failures after installation.

This condition should not be included in the revised Regulation.

### 3. Addition of 10 CFR 50.55a(b)(1)(xii)

This new proposed condition to the use of the 2017 Edition is not correctly written. My interpretation of the intent is that the Engineer, who is certifying the documents required for the construction of components in accordance with the rules of Section III, Division 1, must be a Registered Professional Engineer in at least one state in the United States or at least one Province in Canada. This is a reasonable requirement. However, as written, the condition conflicts with the design document certification requirements in the 2017 Edition resulting in the inability to use the 2017 Edition. In order to comply with the 2017 Code and be able to construct components within its rules, the person certifying the documents must be qualified as a Certifying Engineer per the rules of Appendix XXIII. The condition should stipulate that the Certifying Engineer can only be a Registered Professional Engineer qualified in accordance with paragraph XXIII-1222 which implies that the use of alternate Engineer qualifications listed in XXIII-1223 cannot be used.

In lieu of the current text, I would propose amending the text of this sub-paragraph to read as follows:

*(xii) Section III Condition: Certifying Engineer. When applying the 2017 and later editions of the ASME BPV Code Section III, the NRC does not permit applicants and licensees to use a certifying engineer who is not a Registered Professional Engineer qualified in accordance with paragraph XXIII-1222 for Code-related activities that are applicable to U.S. nuclear facilities regulated by the NRC.*

Finally, I would like to note that the arrangement between the NRC and ASME to provide electronic access to relevant ASME Codes during comment period does not seem to be working as at the time of the submission of this comment.