

123 Main Street
White Plains, New York 10601
914 681 6950
914 287 3309 (Fax)



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James Knobel
Senior Vice President and
Chief Nuclear Officer

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PROPOSED RULE **PR 50**
(64FR22580)

June 22, 1999
JPN-99-022
IPN-99-067

The Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemaking and Adjudications Staff

SUBJECT: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
**Comments on Amended Requirements for Industry Codes and
Standards – Need for periodic updates to
Inservice Inspection (ISI), Inservice Test (IST) Programs**

REFERENCES: 1. Federal Register, April 27, 1999, Volume 64, Number 80,
page 22580.
2. NEI letter, R. E. Boedle to USNRC regarding the same subject.

Dear Sir:

The Authority has reviewed the supplemental proposed rule (Reference 1) that would eliminate the requirement for licensees to update their inservice inspection (ISI) and inservice test (IST) programs beyond a baseline edition and addenda of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code.

The Authority agrees that the ASME code, and the inspection and testing it requires has matured and that the necessity for updates to keep up with the state of the art is reduced. Overall, safety benefits associated with adopting periodic code revisions have become smaller and the potential benefits of preparing and implementing new ISI and IST programs has decreased since the ASME BPV code was first endorsed by the NRC in 1971. If adopted, these changes will be another step towards eliminating unnecessary burdens on commercial nuclear power plant licensees like the Authority. The Authority supports NRC staff's initiative and encourages them to identify other areas where burden reduction can be achieved.

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The comments of the New York Power Authority on this supplement are summarized below.

Adoption of a baseline ASME Code Edition for IWE/IWL

If the supplemental proposed rule is issued as written, it would require that the baseline Code for ISI requirements for metal and concrete containments (Classes MC and CC) and their integral attachments to remain the 1992 Edition with the 1992 Addenda of Subsections IWE and IWL of Section XI of the ASME BPV Code. Because of the number of clarifications and industry relief requests associated with the 1992 Edition, the Authority suggests that a more recent edition of the Code be considered an option for use as a baseline. The 1998 Edition of ASME XI for both IWE and IWL are clearer than the 1992 Edition with 1992 Addenda and could reduce the necessity for relief requests.

Inspector Qualifications

Another unnecessary burden that should be addressed as part of this rulemaking is the qualifications for Quality Assurance inspectors. Different editions of the ASME code invoke different QA inspector qualifications (SNT-TC-1A for the 1989 ASME XI Code vs. ANSI/ASNT CPT-189 for the ASME XI 1992 ASME XI Code – Refer to IWA-2000). If a single code edition and addenda were adopted as a baseline, licensees could reduce costs with one inspector certification program for piping, components, pressure vessels and containment inspections.

Alternately, the NRC should consider rulemaking that would require inspectors to be certified to a single industry standard -- SNT-TC-1A for example. During a recent FitzPatrick refueling outage, inspection personnel qualified to two different standards performed containment inspections with no apparent difference in the quality of the data or inspection results. This was permitted by an NRC-approved code relief.

Increased Costs Associated with Adoption of Ultrasonic Testing – Appendix VIII

The proposed rule would require licensees to implement the ultrasonic (UT) performance demonstration and training requirements contained in Appendix VIII of Section XI of the ASME BPV Code using the 1995 Edition, as amended by the 1996 Addenda. As ISI programs move towards a risk-based approach, the inspection of piping and components not required by the ASME XI Code may be performed. The application of Appendix VIII performance demonstration and training is unwarranted in these cases since wall thinning is readily detected using a simple examination technique and would raise the cost of inspections without a commensurate improvement in safety or results.

For example, increased volumetric inspections on ISI Class 3-service water piping to detect MIC (microbiologically induced corrosion) or corrosion may be considered as a result of risk-based evaluations. These inspections are currently performed by the Authority as augmented inspections. The Authority also monitors portions of ISI Class 2 piping systems at FitzPatrick by using volumetric inspections to detect wall thinning. These are areas where cavitation is a concern or where high fluid velocities are present, such as in "minimum flow" lines. The UT performance demonstration in Appendix VIII should not be required in cases like this, where augmented volumetric inspections to detect wall thinning

are performed, but not required by the ASME XI Code.

Process to Permit Industry-Wide Use of NRC Approved Relief Requests

The NRC staff should consider permitting licensees to adopt ASME code relief requests which were reviewed and approved by the NRC for plants other than their own, without prior NRC re-review. The Authority, utility sponsored groups and presumably other licensees, are always looking for methods and techniques to improve the quality, and reduce the costs associated with ISI and IST. One effective way of identifying possible improvements is to review NRC-approved relief requests for applicability at either of our two nuclear plants. Often times, these new or different ISI or IST techniques and methods require relief from code requirements. In some cases, identical or very similar conditions that prompted the relief request exist at other plants. In this situation, the preparation, submittal and review of essentially identical relief requests are redundant and unnecessary.

The Authority suggests that the NRC consider how relief requests, reviewed and approved by the NRC, could be used by licensees on other plants without the burdensome, costly and time-consuming relief process. This potential method of further reducing burden on licensees was not addressed in the proposed rulemaking and warrants further consideration by the NRC.

Improved Use of ASME Code Cases

Rulemaking should be considered that would allow licensees to adopt ASME code cases 6 months (or other reasonable time period) after they are published unless the NRC publishes guidance stating otherwise.

This rulemaking would replace the currently used policy of issuing Regulatory Guides 1.84, 1.85 and 1.147 which list ASME code cases approved by the NRC staff. This approach would speed the application of new code cases, and avoid a second round of code case reviews by the NRC staff when updating the currently used regulatory guide. Sometimes these guides are not revised until years after the cases were first published.

The NRC should work closely with the ASME and its committees to develop consensus standards (code editions, code cases and addenda) that meet the requirements of the NRC, as well as those of the nuclear power industry. The NRC is well-represented on ASME code committees and has considerable influence on the code and code cases.

This approach is also consistent with the National Technology Transfer and Advancement Act of 1995, Pub. L 104-113 which encourages Federal regulatory agencies to consider adopting industry consensus standards as an alternative to de novo agency development of standards affecting an industry.

Cost Estimates

The Authority agrees that the potential cost savings associated with this change are difficult to quantify, and the Authority has not attempted to develop cost estimates for either of its two plants. However, the cost to prepare and implement ISI or IST programs is significantly more than the \$200,000 to \$300,000 mentioned in the Federal Register notice

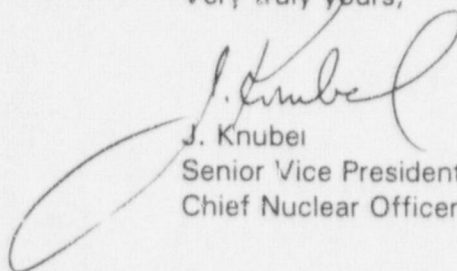
(Reference 1). Other changes, such as the adoption of Appendix VIII ultrasonic test requirements, will further increase the cost associated with this proposed rule.

NEI Comments

The Authority has also reviewed the comments submitted on behalf of the nuclear power industry by the Nuclear Energy Institute (NEI), Reference 2. In general, the Authority endorses and supports NEI's comments. In particular, the mandatory adoption of Appendix VIII criteria inappropriately relies on the compliance exception in the backfit rule (10 CFR 50.109) and a positive cost benefit should be demonstrated before this provision is added to the regulations.

This letter does not contain any new commitments. If you have any questions regarding this matter, please contact the Director - Nuclear Licensing, Ms. C. D. Faison.

Very truly yours,



J. Knube
Senior Vice President and
Chief Nuclear Officer

cc: Next page

cc: Regional Administrator
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Office of the Resident Inspector
U. S. Nuclear Regulatory Commission
James A. FitzPatrick Nuclear Power Plant
P.O. Box 136
Lycoming, NY 13093

Office of the Resident Inspector
U.S. Nuclear Regulatory Commission
Indian Point 3 Nuclear Power Plant
P. O. Box 337
Buchanan, NY 10511

Mr. George F. Wunder, Project Manager
Project Directorate I
Division of Licensing Project Management
U. S. Nuclear Regulatory Commission
Mail Stop 8C4
Washington, DC 20555

Mr. J. Williams, Project Manager
Project Directorate I
Division of Licensing Project Management
U. S. Nuclear Regulatory Commission
Mail Stop 8C2
Washington, DC 20555