10 CFR 50.55a

PE&RAS-98-017

April 3, 1998

Mr. John Hoyle
Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemaking and Adjudications Staff

Subject: Proposed Rulemaking, Industry Codes and Standards; Amended Requirements (62 FR 63892)

Dear Sir:

Carolina Power & Light Company (CP&L) submits the following comments for consideration by the Nuclear Regulatory Commission (NRC) on the subject proposed rulemaking. In general, CP&L views the adoption of revised Code requirements by the NRC as useful in maintaining best practices in the industry. However, the particular limitations and modifications to the Code that are proposed in this rulemaking are troubling and of significant concern to CP&L. These concerns are addressed below.

Use of Engineering Judgment

Paragraph 2.5.1.1.1 of the Statements of Consideration states, in part, "... Proposed paragraph 50.55a(b)(1)(i) would require that when a licensee relies on engineering judgement for activities or evaluations of components or systems within the scope of Sec. 50.55a that are not directly addressed by the BPV Code, the licensee must receive NRC approval for those activities or evaluations pursuant to Sec. 50.55a(a)(3)."

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The Foreword to the 1997 Edition of Section III, Division 3 states:

> The Code does not address all aspects of [construction and inservice inspection and testing] activities and those aspects which are not specifically addressed should not be considered prohibited. The Code is not a handbook and cannot replace education, experience, and the use of engineering judgment. The phrase *engineering judgment* refers to technical judgments made by knowledgeable engineers experienced in the application of the Code. Engineering judgments must be consistent with Code philosophy and such judgments must never be used to overrule mandatory requirements or specific prohibitions of the Code.

The requirement to receive NRC approval when acting on matters not specifically considered by the Code appears to be contrary to 10 CFR 50.59. This is particularly true as applied to Section III, where design activities covered under Section III would also be supplemented by design verification. Requiring prior NRC approval in cases where such licensee review activities are acceptably performed at this time under 10 CFR 50.59 is unnecessarily burdensome.

Implementation of Appendix VIII and Qualification per Appendix VII

The requirement to increase annual training to 40 hours was raised and defeated during the consensus Code process because it was considered to be excessive. The NRC's proposed modifications are particularly disturbing in view of their active participation in the Code consensus process that has been ongoing since 1989, during which none of these objections or concerns were voiced. Additionally, requiring this modification to Appendix VII requirements appears to be contrary to the intent of Public Law 104-113 and the NRC's stated strategic policy of working cooperatively through the Code consensus process.

Likewise, CP&L is deeply concerned that by modifying the Appendix VIII requirements in this rulemaking, the NRC will invalidate the qualifications of over 300 individuals and five vendors in accordance with the industry's Performance Demonstration Initiative (PDI). The industry has spent $10 million on this initiative. This proposed rulemaking significantly impacts the manner in which Appendix VIII would be implemented. It expands the Code year through the 1996 Addenda and includes considerable additional requirements not contained in the Code.

Additionally, expedited implementation of Appendix VIII within six months of the effective date of the rule will seriously impact outage planning efforts by utilities. In the current setting of increased focus on effective outage planning, such planning begins almost from the moment the previous outage ends. To state that a six month expedited implementation of the rule does not pose a hardship to licensees is not realistic. CP&L recommends an implementation plan that would permit adequate planning and preparation. Because the additional requirements of this rulemaking invalidate existing personnel qualifications, it is estimated that achieving compliance will take between one and a half and two years.

Volumetric Inspection of Class 1 Piping

The NRC has proposed requiring volumetric examination of Class 1 high pressure safety injection (HPSI) piping because of PWR industry events where leakage has occurred in unisolable piping connected to the reactor coolant system. CP&L recognizes the significance of these events and concurs that this concern has definite merit, particularly in connection with thermally induced fatigue usage in older plants and future aging management concerns for license renewal.

However, other means exist to address these concerns. NRC Bulletin 88-08 required all licensees to review their RCS to identify any connected unisolable piping that could be subjected to temperature distributions that could result in unacceptable thermal stresses and take action to ensure that such piping will not be subjected to unacceptable stresses. This has led to a renewed focus on analysis of fatigue usage factors for this piping in the industry.

Although Class 2 inspection requirements are more stringent than Class 1 inspection requirements, safety factors for Class 1 piping are generally higher, making up for the reduced inspection requirements. CP&L considers current practices are acceptable. Increased inspection requirements would result in significantly increased personnel radiation dose and cost that do not appear to be justified.

Implementation of OM Code, Appendix II

CP&L questions the need for a new requirement to perform bi-directional testing of check valves regardless of other methods used to assess check valve condition. Currently, bi-directional testing is required only in cases where no other programmatic actions such as non-intrusive examination or valve disassembly are used to confirm the full range of motion in both directions. Given the availability of other means to verify adequate internal valve movement, requiring bi-directional flow testing in addition appears to be excessive.

The limit of check valve test interval extensions to one fuel cycle for additional extensions, and to two cycles for the initial extensions appears to be arbitrary and not in accordance with the Maintenance Rule. These limits do not consider the technical merits of why a longer interval may be justifiable, for example, based on performance testing of the valve of concern or of identical valves in service at the plant.

NRC Position viz. ASME as Interpreter of the BPV Code

The statement that, "While the NRC acknowledges that the ASME is the official interpreter of the Code, the NRC will not accept ASME interpretations that, in NRC's opinion, are contrary to NRC requirements or may adversely impact facility operations," is particularly of concern to CP&L. It may lead to considerable confusion within the industry. Such wording may be

interpreted as NRC acting contrary to its stated strategic policy of working cooperatively through the Code consensus process and the intent of Public Law 104-113. A Code Interpretation is merely an amplification or illumination of the thought process that went into the development of an existing NRC approved Code requirement. No Interpretation can change a Code requirement.

NRC personnel are active in every level of the ASME Section XI committee structure. Thus, the NRC currently has opportunities to raise concerns regarding issue resolutions. The quote above from the Statements of Consideration for this rulemaking appears to illustrate the NRC's need for an effective single point of contact for these Code-related issues.

CP&L appreciates the opportunity to provide comments on a rulemaking of such significant import to the future of the industry. If you have any questions concerning these comments, please contact me at (919) 546-6901.

Sincerely,

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* Received via the interactive rulemaking website on April 3, 1998 -- ATB

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