From:	BASSO, Thomas
To:	RulemakingComments Resource
Cc:	Veil, Andrea; Kock, Andrea; Taylor, Robert
Subject:	[External_Sender] NEI Comments on proposed amendment of 10 CFR 50.55a to incorporate by reference ASME 2019-2020 Code Editions (Docket ID NRC-2018-0290)
Date:	Tuesday, May 25, 2021 11:14:53 AM
Attachments:	05-25-21_NRC_Industry Comments on Proposed 50_55a Rule Change.pdf

THE ATTACHMENT CONTAINS THE COMPLETE CONTENTS OF THE LETTER

May 25, 2021

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Project Number: 696

Subject: NEI Comments on proposed amendment of 10 CFR 50.55a to incorporate by reference ASME 2019-2020 Code Editions (Docket ID NRC-2018-0290)

Submitted via regulations.gov

Dear Rulemakings and Adjudications Staff,

The Nuclear Energy Institute (NEI), on behalf of our members, appreciates the opportunity to provide comments on the proposed amendments to 10 CFR 50.55a and respectfully requests that you review the comments in the attachment. The industry continues to review these regulations for opportunities to reduce regulatory burden to ensure that attention and resources remain focused on safe, reliable facility operation and that any changes to NRC requirements result in improved safety and efficiency.

We appreciate the NRC's effort in endorsing the latest editions of the ASME codes and standards and encourage your consideration of all stakeholder comments prior to finalizing the rule change. We trust that you will find these comments useful and informative.

Please contact me at tbb@nei.org or (202) 739-8049 with any questions or comments about the content of this letter or the attached comments.

Sincerely,

Thomas Basso
Senior Director
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NUCLEAR ENERGY INSTITUTE

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[1] The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

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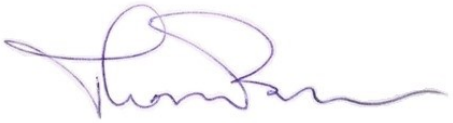

Thomas Basso

Attachment

c: Andrea Veil, NRR/NRC
Robert Taylor, NRR/NRC
Andrea Kock, NRR/NRC

Industry Comments on Proposed 10 CFR 50.55a Rule Change

Affected Section	Comment	Recommendation
1. 50.55a(b)(1)(xiii) Section III Condition	*"(xiii) Section III Condition: Preservice Inspection of Steam Generator Tubes. Applicants or licensees applying the provisions of NB-5283 and NB-5360 in the 2019 Edition of Section III, must apply paragraphs (b)(1)(xiii)(A) through (B) of this section."* Comments: Prior to the 2017 Code edition, the Section III requirement for PSI for steam generator tubes was required by Section XI and existed to provide a baseline for Section XI exams. It was not related to any inspections or testing required to construct, stamp, or complete the NV-1 form. Therefore, it had no relevance on the Section III construction of the Steam generator. It was just provided to support a requirement in Section XI. Section XI deleted the requirements for PSI as a Section XI requirement in IWB-2200 via record 10-129 (incorporated in the 2017 Code Edition) and now just states that "Steam generator examinations are conducted in accordance with the program required by the plant Technical Specification." Section XI action 10-129 (incorporated in the 2017 Code Edition) changed IWB-2200(a) to remove steam generator tubing from the category of items requiring PSI prior to initial plant startup and created new Table IWB-2500-1 (B-Q) which states that steam generator examinations are conducted in accordance with the program required by the plant Technical Specification. Therefore, Section XI does not require a Section III manufacturer to provide a PSI for steam generator tubes, nor do they require a PSI for steam generator tubes to be completed prior to initial plant startup. At the time of the Section III Construction when the manufacturer would perform the PSI, the manufacturer does not have access to the plant Technical Specifications. Therefore, the Section III manufacturer needs to	NEI recommends 10 CFR 50.55a(b)(1)(xiii) Section III Condition: Preservice Inspection of Steam Generator Tubes not be added to the rule, allowing licensees to determine and specify the requisite testing and inspection, including the appropriate and applicable criteria.

Affected Section	Comment	Recommendation
	be provided with the inspection requirements and criteria. To accomplish this a requirement to conduct the PSI with the appropriate inspection criteria would need to be in the Section III Design Specification. Lacking this information any inspection done by the Section III manufacturer could be a meaningless activity at additional cost, since there is no certainty the inspection would meet the requirements of the plant Technical Specifications. Since the only reason for the Section III requirement for a PSI of steam generator tubes was to support a Section XI requirement, and Section XI removed that requirement, this change to Section III was made to align Section III with the change that had already been incorporated in Section XI. The USNRC condition to require a specific PSI for steam generator tubes be done by the Section III manufacturer imposes additional costs on the manufacturer, is not required for Section III construction, may end up being not used, and is not consistent with Section XI requirements.	
2. 50.55a(b)(2)(xxvi) Section XI Condition	*"(xxvi) Section XI condition: Pressure testing Class 1, 2, and 3 mechanical joints. Mechanical joints in Class 1, 2, and 3 piping and components greater than NPS-1 which are disassembled and reassembled during the performance of a Section XI repair/replacement activity requiring documentation on a Form NIS-2 shall be leak tested to ensure leak tightness. The owner shall establish the type of leak test, test medium, test pressure, acceptance criteria that would demonstrate the joint's leak tightness, and the qualifications of the personnel who will perform the leak test."* Comments: NEI recognizes that the NRC has revised this condition to make it somewhat more flexible for licensees. However, the condition still adds unnecessary burden by requiring licensees to make significant changes to	NEI recommends 10 CFR 50.55a(b)(2)(xxvi) Section XI Condition: Pressure Testing of Class 1, 2, and 3 Mechanical Joints be completely deleted from the new rule since it results in no additional safety benefit while increasing unnecessary administrative burden for licensees.

Affected Section	Comment	Recommendation
	their ISI repair replacement programs to *"…establish the type of leak test, test medium, test pressure, acceptance criteria that would demonstrate the joint's leak tightness, and the qualifications of the personnel who will perform the leak test."* Additionally, the condition will add administrative burden to implement these new requirements; all for no additional safety benefit. Licensees' Appendix B quality and maintenance programs with the requisite site procedures to inspect and monitor for leakage at mechanical joints are and have been adequate to maintain the integrity of mechanical joints. The NRC states on FR-2021-03-26 page 16093, "…. failure of a mechanical joint in the absence of a pressure test and VT-2 exam is unlikely, and the corresponding condition for Section XI pressure testing after repair/replacement activities is not needed for safety." The ASME agrees with this position and accordingly per IWA-4540(b)(1) exempts the replacement of bolts, studs, nuts, or washers from pressure testing. The revised condition wording still does not address the conflict with the exemptions allowed per ASME IWA-4540(b)(1) without licensees having to submit a letter to obtain NRC approval for a previously approved code allowance.	
3. 50.55a(b)(3)(iv) OM Condition	*"10CFR50.55a(b)(3)(iv) OM Condition: Check Valves (Appendix II)"* Comment: Bases for Comment / Background: This condition was first imposed as part of final rulemaking dated July 17, 2017 and became effective on August 17, 2017 (Federal Register / Vol. 82, No. 136). This condition effectively implemented new requirements which were added to the 2017 Edition of OM, Appendix II, II-	NEI recommends 10CFR50.55a(b)(3)(iv) OM Condition: Check Valves (Appendix II) be revised to be applicable to all addenda and editions of OM endorsed for use. In addition, the overly restrictive language "…At least one of the identified activities for a valve group shall be performed on each valve of the group at approximately equal intervals not to exceed the maximum interval shown in Table II-4000-1…" should be revised to simply

Affected Section	Comment	Recommendation
	4000(b)(1)(e) that require distribution of Check Valve Condition Monitoring (CVCM) activities for each valve in a multi-valve group at approximately equal intervals across the interval for the group. The language in the 2017 Edition of OM and this condition are essentially the same. While the goal for this condition and clarification in the 2017 Edition of OM is appropriate, the actual language of these two documents have led to unintended consequences. The statement, "…At least one of the identified activities for a valve group shall be performed on each valve of the group at approximately equal intervals not to exceed the maximum interval shown in Table II-4000-1…" has resulted in significant burden for licensees to the revise their CVCM program plans for compliance. The requirement to distribute the CVCM activities across each valve at equal intervals is more prescriptive than necessary to ensure a licensee doesn't defer activities for all valves in a group to the end of the group interval. Before this condition and OM change, most licensees performed CVCM activities on pairs of valves in a group or staggered the activities across the valve group interval in a manner that met the goal of distributing activities of multi-valve groups. However, the method of staggering activities did not meet the prescriptive language of this condition. As a result, the only way to comply with this condition and optimize testing is to split the group into smaller groups of valves or groups of one as permitted by II-2000(a). This is a significant burden on licensees and does not necessarily ensure a better distribution of activities. Example: Assume all activities for the group have not been completed such that interval extension is not allowed at the time the condition becomes effective.	require compliance with the maximum intervals (both columns) shown in Table II-4000-1. This will provide flexibility for those CVCM plans that are not at the maximum intervals while also ensuring activities on individual valves are not deferred to the end of the group interval.

<table>
<tr><th>Affected Section</th><th>Comment</th><th>Recommendation</th></tr>
<tr><td></td><td>
Before Condition:
1 group of 4 valves where activities on 2 valves in the group are performed every other outage
<table>
<tr><th>Group</th><th>Outage 1</th><th>Outage 2</th><th>Outage 3</th><th>Outage 4</th></tr>
<tr><td>4 valves (A, B, C, D)</td><td></td><td>A, C</td><td></td><td>B, D</td></tr>
</table>
After Condition:
One group of four valves where activities on 1 valve in the group are performed every outage
<table>
<tr><th>Group</th><th>Outage 1</th><th>Outage 2</th><th>Outage 3</th><th>Outage 4</th></tr>
<tr><td>4 valves (A, B, C, D)</td><td>A</td><td>C</td><td>B</td><td>D</td></tr>
</table>
OR

Two groups of two valves where activities on one valve in the group are performed every other outage
<table>
<tr><th>Group</th><th>Outage 1</th><th>Outage 2</th><th>Outage 3</th><th>Outage 4</th></tr>
<tr><td>2 valves (A, B)</td><td></td><td>A</td><td></td><td>B</td></tr>
<tr><td>2 valves (C, D)</td><td></td><td>C</td><td></td><td>D</td></tr>
</table>
The example above demonstrates a case where a CVCM plan met the original intent of OM to stagger activities yet still must be revised to comply with the condition. In addition, the example shows two different
</td><td></td></tr>
</table>

Affected Section	Comment	Recommendation
	ways the CVCM program may be revised to order to comply with this condition. The last method shows how the revised CVCM plan can comply with the condition without changing the schedule of activities. The end result is that compliance with this condition imposed significant burden to revise CVCM plans with no increase in the level of safety.	
4. 50.55a(b)(3)(xi) OM Condition	*"(xi) OM condition: Valve Position Indication. When implementing paragraph ISTC-3700, "Position Verification Testing," in the ASME OM Code, 2012 Edition through the latest edition of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section, licensees must verify that valve operation is accurately indicated by supplementing valve position indicating lights with other indications, such as flow meters or other suitable instrumentation to provide assurance of proper obturator position for valves with remote position indication within the scope of Subsection ISTC including its mandatory appendices and their verification methods and frequencies. For valves not susceptible to stem-disk separation, the position verification testing specified in paragraph ISTC-3700 may be performed on a 10-year interval where the licensee documents a justification, which is made available for NRC review, demonstrating that the stem-disk connection is not susceptible to separation based on the internal design and evaluation of the stem-disk connection using plant-specific and industry operating experience and vendor recommendations."* Comments: 1. There were no changes made to the condition to clarify implementation of Supplemental Position Indication (SPI). Changes are required to eliminate interpretation differences between the NRC and Licensees:	NEI recommends considering the following as part of the revision to § 50.55a(b)(3)(xi): Licensees must verify that valve operation is accurately indicated by supplementing valve position indicating lights with other indications such as flow meters or other suitable instrumentation during performance of remote position indication testing by ISTC-3700 to provide assurance of proper obturator position for valves with remote position indication. ISTC-3700 requires remote position indication testing every 2 years and the (b)(3)(xi) condition applies when the remote position indication test is performed (2 years from the previous remote position indication test). Supplemental position verification must be performed in conjunction with but not concurrent with remote position indication testing. Supplemental position verification for MOVs within the scope of Mandatory Appendix III must be performed in conjunction with but not concurrent with III-3300(e) remote

Affected Section	Comment	Recommendation
	a. Utilize modified wording that was presented by the NRC during public meeting: ISTC-3700 requires valve position verification testing every 2 years and the (b)(3)(xi) condition applies when the ISTC-3700 test is performed (2 years from the previous [ISTC-3700] test). b. Clarify SPI is required to be performed in conjunction with (i.e., same surveillance) but not required to be concurrent with (i.e., not at the same time as) Position Verification testing following adoption of the ASME OM Code, 2012 Edition though the latest edition of the ASME OM Code. c. Clarify SPI required surveillance due date for MOVs in Appendix III as Position Verification testing shifted from 2Y to the Appendix III inservice testing frequency. For example, is the SPI test due date X years from the previous Position Verification test or X years from the previous diagnostic test (where X years represents the Appendix III inservice test interval). d. Clarify required surveillance due date when implementing extended frequency testing for valves not susceptible to stem-disc separation. For example, can SPI be performed 10Y from the last performance of a Position Verification test prior to implementing the latest edition of the Code? e. Confirm that MOV Position Verification testing, and therefore SPI testing, will follow the extended inservice test interval per OMN-26 application. OMN-26 provides an alternate inservice test interval based on individual valve Risk and Margin. The alternate interval is applicable to III-3300 Inservice Test including III-3300(e) remote position indication and therefore SPI. 2. Passive Valves - Sites are performing modification where possible or removing valves from the IST program to eliminate the need to do SPI testing. The condition should be changed to eliminate SPI for passive	position indication testing. Supplemental position verification can be observed using performance-based verification methods and frequencies within the scope of the ASME OM Code. Supplemental position verification observations are not required for passive valves. Supplemental position verification observations are required to start during performance of the first remote position indication test following licensee implementation of the ASME OM Code, 2012 Edition through the latest edition of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section. If plant conditions prohibit the initial supplemental position verification within the 2-year period of the previously performed remote position indication test, then it shall be done at the next opportunity but prior to 24 months from the implementation of ASME OM Code, 2012 Edition.

Affected Section	Comment	Recommendation
	valves. If this change is not agreeable, then the condition should be changed to only perform SPI testing of passive valves in the valve's normal passive position. Since these valves are not required to change position to perform their safety function, SPI verification and especially verification in both positions does not provide any benefit to safety. a. As stated in EPRI 3002019621: "The NRC monitors current "industry-average" nuclear power plant equipment performance on its website Industry Average Parameter Estimates. This website currently contains component reliability data through 2015, based on data from INPO. The Component Reliability Data Sheets on this website summarize failure data for various component types, including valves. The failure data is categorized by failure mode (e.g., failure to open), and the details of the failure (such as whether it was due to a stem-to-disk separation) are not included. This data is used by the NRC as input to their Standardized Plant Analysis Risk models and by nuclear plants in the Probabilistic Risk Assessment (PRA) models and provides a reference point against which the stem-to-disk failure data summarized later in this section can be compared." This data should have identified any concerns with stem-to-disc failure, however, the NRC's SPAR modeling and industry use for PRA does not appear to identify any industry concerns of stem-to-disc failures. This would provide more documented data that passive valves and "Non-susceptible stem-to-disk connections" should be exempted for SPI. 3. Endorse ASME Code Case OMN-28's 12-year extended frequency for non-susceptible valves as approved or by name, versus the proposed NRC extended frequency wording of 10 years. OMN-28 provides additional guidance compared to the NRC proposed wording and will ensure there	

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	are no interpretation issues that would require sites to prepare additional relief. 4. The proposed rulemaking has reduced the burden of testing valves not susceptible to stem-disc separation by allowing the test frequency to occur at a 10-year interval based on a site's justification. However, if a valve is determined to not be susceptible to stem-disc separation, then NEI recommends that SPI testing is not required at all and Position Verification testing (excluding SPI) continue once every 2 years. If a valve is non-susceptible, then the burden of adding additional testing to verify stem-to-disc integrity doesn't add value or benefit to safety. 5. Due to the detail provided in the EPRI Technical Report for evaluation of valve susceptibility, "Susceptibility of Valve Applications to Failure of the Stem-to-disk Connection," it is recommended that it be referenced as an acceptable method for determination of valve susceptibility in support of implementing the proposed rulemaking or OMN-28. 6. The current condition states that SPI must be performed on valves with indicating lights that are within the scope of Subsection ISTC including applicable mandatory appendices. The condition also states that SPI can be performed by using other verification methods and frequencies within Subsection ISTC and applicable Mandatory Appendices that are performed at intervals greater than every two years. The Local Leak Rate Testing (LLRT) prescribed by 10 CFR 50 Appendix J programs is also prescribed by Subsection ISTC. Based on the condition wording, licensees believe that prior NRC approval is not required for SPI testing to be performed on the LLRT frequency because it is prescribed by Subsection ISTC. However, to ensure alignment on this interpretation, and prevent additional burden, the condition should clarify that it is permitted to use NRC-approved seat leakage performance-based	

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	frequencies for SPI, such as 10 CFR 50 Appendix J, approved performance-based Code Cases (OMN-23 and OMN-27), or NRC-approved site-specific relief requests, without having to seek approval of more relief requests which would be redundant to already approved alternatives. 7. Stop check valves should be excluded from SPI. Per valve design, the disc is not connected to the stem. In this case, position indication is for the valve stem only and not the check valve disc.	
5. 50.55a(f)(4) Inservice testing standards requirement for operating plants	*"(4) Inservice testing standards requirement for operating plants. Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, pumps and valves that are within the scope of the ASME OM Code must meet the inservice test requirements (except design and access provisions) set forth in the ASME OM Code and addenda that become effective subsequent to editions and addenda specified in paragraphs (f)(2) and (3) of this section and that are incorporated by reference in paragraph (a)(1)(iv) of this section, to the extent practical within the limitations of design, geometry, and materials of construction of the components. The inservice test requirements for pumps and valves that are within the scope of the ASME OM Code but are not classified as ASME BPV Code Class 1, Class 2, or Class 3 may be satisfied as an augmented IST program in accordance with paragraph (f)(6)(ii) of this section* ***~~without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section~~***. *This use of an augmented IST program may be acceptable provided the basis for deviations from the ASME OM Code, as incorporated by reference in this section, demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review."*	NEI recommends that the phrase *"…without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section"* be retained in 10 CFR 50.55a(f)(4) or this change be analyzed for justification under the backfit rule per 10 CFR 50.109(a)(1).

Affected Section	Comment	Recommendation
	Comment: 10 CFR 50.55a(f)(4) requires that pumps and valves classified as ASME BPV Code Class 1, 2, 3, and non-Code Class be included within the scope of the IST program. Non-Code Class components are allowed to deviate from ASME OM Code requirements without asking for prior NRC approval, provided that the basis for the deviation is justified to meet an acceptable level of quality and safety, or that implementing the Code requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety and the justification is documented in the Owners IST Program Plan. In the draft Rulemaking the phrase *"without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section"* has been deleted. The deletion of this phrase implies that there are some cases where non-Code Class components will require prior NRC approval without stating what those cases are. Owners currently maintain justifications for non-Code Class components that deviate from ASME OM Code requirements without prior NRC approval as allowed in 10 CFR 50.55a(f)(4). If the phrase is deleted these currently implemented justifications could be determined to require prior NRC approval even though the current CFR allows this. It appears that the deletion of this phrase imposes a new generic requirement causing licensees to modify procedures and therefore meeting the definition of a backfitting under 10 CFR 50.109(a)(1).	
6. 50.55a(f)(7) Preservice and inservice testing requirements	*"(7) Inservice testing reporting requirements. Inservice Testing Program Test and Examination Plans (IST Plans) for pumps, valves, and dynamic restraints (snubbers) prepared to meet the requirements of the ASME OM Code must be submitted to the NRC as specified in § 50.4. IST Plans must*	NEI recommends that § 50.55a(f)(7) not be included in the rule change to be consistent with Inservice Inspection plans or as a

Affected Section	Comment	Recommendation
	be submitted within 90 days of their implementation for the applicable 120-month IST Program interval. IST Plan revisions must be submitted when the final safety analysis report for the applicable nuclear power plant is updated. Electronic submission is preferred." Comment: The proposed addition of § 50.55a(f)(7) will increase the frequency of the IST program plan submittals, thereby resulting in additional, unnecessary regulatory burden. The new wording ties the IST Program Plan submittals to the Updated Final Safety Analysis Report (UFSAR) submittals. Section 50.71 (e)(4), requires that licensees file updated UFSARs annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. Tying submittal of IST Program Plans to UFSAR updates will require the filing of IST Plans multiple times each interval. In contrast, the current editions of the ASME OM Code allows for a single submittal for the new 10-year interval and possible updates during the 10 years. If included in the final rule, this change will result in increased costs due to additional internal processing and reviews and will require changes to plant procedures (in many cases both regulatory procedures and IST program procedures). In the proposed rule, NRC explained the need for this change stating that the agency "needs these IST Plans for use in evaluating relief and alternative requests and to review deferral of quarterly testing to cold shutdowns and refueling outages." (86 Fed. Reg. 16,087, 16,096) But, as implemented in current editions of the ASME OM Code, IST Program Plans are not submitted until implemented at the beginning of each interval, i.e., after the start of the interval. Licensees typically submit relief requests prior to the start of the interval such that intervals are started with the appropriate code reliefs in place. Submitting an updated	minimum only require submittal of IST Plans as part of interval updates. If the NRC includes the proposed section 50.55a(f)(7) in the final rule, then the agency should provide a backfitting analysis supporting imposition of the amended regulation, as required by section 50.109(a)(3).

Affected Section	Comment	Recommendation
	IST Program Plan after the start of the interval does not aid the NRC in the review of these relief requests. Additionally, even an updated IST Program Plan submitted on the schedule proposed in section 50.55a(f)(7) may contain outdated information if it is used by NRC to review relief requests that are submitted after the start of the 10-year interval, but prior to the next UFSAR revision. If the NRC requires information from a licensee's current IST Program Plan in order to review a relief request, the staff may request that information as part of its review of that specific relief request. This is the most efficient way for the NRC staff to ensure that it has the most up-to-date information necessary to complete its review. Thus, there is no safety benefit associated with increasing the frequency of IST Plan submittals. We also note that Code Case N-778, "Alternative Requirements for Preparation and Submittal of Inservice Inspection Plans, Schedules, and Preservice and Inservice Inspection Summary Reports, Section XI, Division 1," as endorsed in the most recently approved Revision to Regulatory Guide 1.147, has eliminated the submittal of the Inservice Inspection Program Plans for the Inservice Inspection Program. If the proposed section 50.55a(f)(7) is included in the final rule, it will unnecessarily create inconsistencies between the IST and ISI programs, with no corresponding benefit to safety. As discussed in the Federal Register Notice that endorsed the use of Code Case N-778 (83 FR 2331, dated January 17, 2018): "The NRC reviewed its needs with respect to the submittal of the subject plans, schedules, and reports, and determined that it is not necessary to require the submittal of plans and schedules. The NRC made this	

Affected Section	Comment	Recommendation
	determination because the latest up-to-date plans and schedules are available at the plant site and can be requested by the NRC at any time." We see no reason why having current program plans available at plant sites and furnished by licensees upon request would be sufficient for the ISI program, but insufficient for the IST program. Finally, from a backfitting perspective, section XII of the Federal Register notice states that the proposed rule would: Add § 50.55a(f)(7) to state that IST Plans and interim IST Plan updates for pumps, valves, and dynamic restraints (snubbers) must be submitted to the NRC. This requirement was specified in the ASME OM Code up to the 2020 Edition, but the ASME removed this requirement from the 2020 Edition of the ASME OM Code as more appropriate to the regulatory authority responsibilities. Therefore, this rule change is not a backfit because the NRC is continuing the current requirement and is not imposing a new requirement. But this description does not acknowledge that tying the submittal of IST Program Plans to submittal of the UFSAR will increase the frequency of the filings and is thus substantially different from current OM Code language. As proposed, section 50.55a(f)(7) would impose a requirement that is substantially different from the existing requirement (i.e., the pre-2020 Edition of the ASME OM Code), as well as the 2020 Edition of the ASME OM Code that is being incorporated-by-reference in this rulemaking (which eliminates the requirement to submit IST Plans altogether). As described in NUREG/BR-0058, Appendix D "Guidance on Regulatory Analysis Related to ASME Code Changes," one of the scenarios in which	

Affected Section	Comment	Recommendation
	the NRC considers adoption of a later code provision backfitting is when "the NRC takes an exception to an ASME BPV or OM code provision and imposes a requirement that is substantially different from the current existing requirement as well as substantially different than the later code..." This is precisely what will result if section 50.55a(f)(7) is included in the final rule – the pre-2020 OM Code requirement allows a single submittal of the IST Plans at start of the interval, the 2020 OM Code does not require submittal at all, and the proposed section 50.55a(f)(7) would require submittal at least once every 24 months with the FSAR updates. Further, as state above, if this change in finalized it will require licensees to modify procedures required to implement their ASME Code programs and FSAR updates. Thus, this proposed amendment to section 50.55a meets the definition of backfitting contained in 10 CFR 50.109 and must meet the requirements of section 50.109(a)(3) prior to being imposed on licensees.	