



NUCLEAR ENERGY INSTITUTE

David J. Modeen  
DIRECTOR, ENGINEERING  
NUCLEAR GENERATION DIVISION

November 5, 1999

Mr. Eugene V. Imbro  
Chief, Mechanical Engineering Branch  
Division of Engineering  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

**SUBJECT:** Joint Owners Group (JOG) Air Operated Valve (AOV) Program  
Comments

**REFERENCES:**

1. NRC (E. V. Imbro) letter to NEI (D. J. Modeen), Comments on JOG AOV Program Document, dated October 8, 1999
2. NRC (E. V. Imbro) letter to NEI (D. J. Modeen), Distribution of NRC Comments on JOG AOV Program Document, dated October 29, 1999

**Project Number: 689**

Dear Mr. Imbro:

NEI acknowledges receipt of the NRC staff comments on the JOG AOV Program Document contained in Reference 1. Your comments will be compiled with feedback from the industry and considered when making any necessary revisions.

The AOV Program Document is an industry endeavor to support utility efforts to operate their plants in a safe, reliable and economic manner. It is not a voluntary industry initiative in the context of SECY 99-063. Consequently, the industry did not attempt to obtain NRC endorsement or approval of the AOV Program Document.

NEI did not forward the NRC staff comments to the Institute of Nuclear Power Operations for distribution to licensees. Such action would have been inappropriate for the reasons outlined below. Given the rescission of your request to forward the NRC comments contained in Reference 2, you obviously recognize the inappropriateness of the request as well. Nevertheless, we remain troubled by the situation created by Reference 1.

DO46

Mr. Eugene V. Imbro  
November 5, 1999  
Page 2

By sending your comments formally to NEI, you convey to licensees, your staff, and NRC regional inspectors a "regulatory expectation" for AOV program content. Your staff should be mindful that Reference 1 as a public document establishes regulatory expectations that will influence subsequent action licensees might take, regardless of the retraction stated in Reference 2.

NEI believes that licensee compliance with current NRC regulations and guidance on AOVs is adequate and sufficient to assure public health and safety. The information collected to date in NRC inspections and Office of Nuclear Regulatory Research evaluations does not appear to provide a basis for NRC revision of its rules or positions with respect to AOVs.

The NRC staff should avoid further compounding the potential confusion by prematurely issuing those comments in a generic communication. Rather, the NRC staff should consolidate all the information it has collected and perform a rigorous regulatory analysis to determine whether the conclusion supports the imposition of new NRC staff positions, such as those expressed in Reference 1.

NEI would be pleased to facilitate industry input or comment on a regulatory analysis. In the interim, we expect that the NRC will continue to inspect and assess AOV performance and maintenance in accordance with current regulations.

If there are any questions on this matter, please call Jim Riley at 202-739-8137 or [jhr@nei.org](mailto:jhr@nei.org).

Sincerely,



David J. Modeen

JHR/rs  
Enclosure

- c: Mr. Peter C. Wen, U.S. Nuclear Regulatory Commission
- Mr. Joseph Colaccino, U.S. Nuclear Regulatory Commission
- Mr. Aleck W. Serkiz, U.S. Nuclear Regulatory Commission