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**DOCKET NUMBER**  
**PROPOSED RULE** **50**  
**(69FR 00879)**

March 22, 2004 (3:26PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

March 19, 2004

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

Subject: RIN 3150-AH-24  
Public Comments on Proposed Rules

Ladies and Gentlemen:

I have the following comments I would like to submit relative to the proposed regulation amendment to 10 CFR 50.55a to incorporate by reference the 2001 Edition and the 2002 and 2003 Addenda of Division 1 of Section III of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code).

First I would like to state that although I am Chairman of the Subgroup Design of Subcommittee III of the Boiler and Pressure Committee of ASME and a member of several other committees, the comments I am putting forward are my individual comments as a member of the public and should not be construed as representing the opinion of any committee nor the ASME.

I wish to comment on three items as follows:

- 10CFR 50.55a(b)(1)(iii) – Seismic Design and in particular
- 10CFR 50.55a(b)(1)(vi)(A) Reflected Waves Caused by Flow Transients

ASME will be forwarding detailed comments relative to most of the issues concerning 10CFR 50.55a(b)(1)(iii) – Seismic Design and there is no need to discuss that further. However, I would like to comment on the specific issue of 10CFR50.55a(b)(1)(vi)(A) - Reflected Waves Caused by Flow Transients. In the proposed rulemaking it states "... (sudden closure of a valve is an example that could create a flow transient)." I would like to point out that in NB-3213.35 "Reversing Dynamic Loads" and in NB-3213.36 "Nonreversing Dynamic Loads" a distinction is made in the examples relative to the loads caused by the sudden opening or closure of valves. I believe that if the distinction between reversing and nonreversing were more precise or better defined, there would be

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sufficient technical justification to allow acceptance of the use of these rules for reversing dynamic loads due to flow transients. I would suggest that the NRC consider revising the justification to their exception to reflect this basis.

10CFR 50.55a(b)(1)(vii) – Subsection NH

The proposed rulemaking is withdrawing approval of Subsection NH, primarily because it has not been reviewed for technical adequacy for future advanced reactor designs and it is not widely used in today's designs. However, there are some limited applications where Subsection NH can be used for today's operating plants, such as for pressurizer heater tubes. I suggest that since the concern is with the applicability of Subsection NH for future advanced reactor design, that such a limitation be imposed, rather than a blanket non-acceptance.

10CFR 50.55a(b)(1)(ii) – Weld leg dimensions

The proposed rules would not modify the current requirement that " licensees may not apply paragraph NB-3683.4(c)(1), Footnote 11 to Figure NC-3673.2(b)-1, and Figure ND-3673.2(b)-1." I would like to point out that in the 2002 Addenda the footnotes were renumbered and footnote 11 became footnote 13 for the two tables.

Additional changes to these tables are being considered, some of which are anticipated for the 2004 addenda. This should resolve the issue of the proper stress indices (SIF) used for these welds and hopefully will lead to resolution of this exception in the future.

I would suggest that in the interim, this rulemaking reflect the change in footnote numbers.

I hope that you will find my comments helpful. If you would like any clarification, please feel free to contact me.

Very Truly Yours,



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