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**PROPOSED RULE** **PR 50**  
**(69FR 00879)**

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USNRC

March 22, 2004

March 22, 2004 (4:10PM)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Subject: Comments on Proposed Rule 10 CFR 50.55a (RIN 3150-AH24) Regarding ASME  
B&PV Section III Subsection NH, Class 1 Components in Elevated Temperature Service

Dear Secretary,

The Regulatory Endorsement Task Group of the Board on Nuclear Codes and Standards (BNCS) of the American Society of Mechanical Engineers (ASME) has reviewed the proposed rule published in the Federal Register, Vol. 69, No. 4, January 7, 2004 – 10 CFR Part 50.55a, RIN 3150-AH24, and have the following comment on Subsection NH.

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

This section proposes not to approve the use of Subsection NH of the 2001 edition through 2003 addenda of Section III ASME BNPV code and withdraw approval of this Subsection in the previous editions. The reason given was that the NRC has not reviewed those sections for technical adequacy because the design provisions are not applicable to current operating plants in the US. This lack of a review to date by the NRC of the 2001 edition does not mean that the prior approval by the NRC of Subsection NH 1995 Edition through 2000 addenda should be withdrawn.

There was no technical explanation given for withdrawal of the previously approved editions. Nothing has changed that would lead to make those sections inadequate. Currently, ASME is working on establishing the scope and rules for future reactors which will require higher temperature application. It is important that we start from a currently approved edition. ASME requests that the NRC not withdraw their approval for the editions of NH that were accepted in the past.

Thank you for the opportunity to review and comment on the Proposed Rule 10 CFR 50.55a. Should there be questions regarding these comments, please direct them to Mr. Kevin Ennis, ASME Director, Nuclear Codes and Standards at the above address or by phone at 212-591-7075.

Sincerely Yours,

C. Wesley Rowley PE  
Vice President, Nuclear Codes & Standards