



NUCLEAR ENERGY INSTITUTE

10/27/06  
MFR 602947

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Chief, Rules and Directive Branch  
Office of Administration  
U. S. Nuclear Regulatory Commission  
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RULES AND DIRECTIVES  
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**SUBJECT:** Proposed Rulemaking on 10 CFR 50.55a, Codes and Standards  
(71 FR62947) RIN 3150-AH80; October 27, 2006  
Public Comment

**PROJECT NUMBER: 690**

The Nuclear Energy Institute (NEI)<sup>1</sup> submits the enclosed comments on the proposed changes to 10 CFR 50.55a, *Codes and Standards*. Included in these comments are a general comment concerning Code Case N-567-1, and a comment concerning the existing Draft Guide-1134 and its relevance to the revision of RG 1.147. These comments were developed with input from our utility members.

The NRC proposes to amend §50.55a to incorporate by reference the latest revisions of two previously incorporated regulatory guides (RG's) that approve Code Cases published by the American Society of Mechanical Engineers (ASME). Specifically, these are Rev. 34 of RG 1.84 "Design and Fabrication Code Case Acceptability, ASME Section III" and Revision 15 of RG 1.147 "In-service Inspection Code Case Acceptability, ASME Section XI, Division 1". The attached comments provide an explanation for why some of the proposed Code Case revisions should be either edited for clarification, revised, or should not be included in the cited RG's.

If you have any questions, please contact me at (202) 739-8137; [jhr@nei.org](mailto:jhr@nei.org) or James Ross, at (202) 739-8101; [jr@nei.org](mailto:jr@nei.org).

Sincerely,

James H. Riley

Enclosure

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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**TABLE 1**  
**COMMENTS ON PROPOSED 10 CFR 50.55A RULE**

| Comment Number | Page            | Paragraph  | Comment   | Proposed Revision  |
|----------------|-----------------|--|---|--|
| 1              | 62948 and 62949 | Paragraph that addresses the 3 NRC concerns with Code Case N-659 | <p>The proposed limitations being applied to Code Case N-659 do not appear to be complete. In lieu of paragraphs (b) and (d) several items are being proposed. Comments on those proposed limitations are as follows:</p> <p>The three personnel qualifications required for a procedure qualification should be specified for the initial procedure qualification.</p> <p>Further clarification needs to be provided if the procedure is being requalified due to an essential variable change.</p> <p>Each flawed and unflawed volume shall be defined in independent grading units. There is no specified ratio for how many flawed and unflawed grading units is required and there is no specified size for the grading units.</p> | <p>Insert the word "initial" between the words "a" and "procedure"</p> <p>Add clarification that for requalification of a procedure due to an essential variable change only one personnel qualification is required.</p> <p>Refer to ASME Section XI, Appendix VIII for the size of grading units and ratio between flawed and unflawed unit.</p> |
| 2              | 62952           | Location of Non-mandatory Appendix Q                             | The Web site address is not correct. In addition, the end user would have to purchase the Section XI code book to be able to obtain a copy of the appendix.   | Reference the reader to ASME for purchase of the appendix.   |

| Comment Number | Page                          | Paragraph         | Comment   | Proposed Revision  |
|----------------|-------------------------------|-------------------|---|--|
| 3              | 62952                         | Code Case N-504-2 | The use of Code Case N-504-2 for editions and addenda later than the 1995 Edition of ASME Section XI is administrative prohibited because references within N-504-2 are limited. Code Case N-504-3 has corrected this administrative issue and was published in Supplement 2 of the 2004 Edition.   | Approve the use of Code Case N-504-3 in Revision 15 of RG 1.147                                |
| 4              | 62953                         | Code Case N-532-3 | The limitation being proposed for Code Case N-532-3 has been corrected in Code Case N-532-4 which was published in Supplement 9 to the 2004 Edition. This revision also included other enhancements that clarified requirements.  | Approve the use of Code Case N-532-4 in Revision 15 of RG 1.147.                               |
| 5              | 62953                         | Code Case N-554-3 | In a letter to Mr. Ken Balkey, Vice President Nuclear Codes and Standards date August 23, 2006, the NRC evaluated the ASME position on Code Case N-554-2 and stated "Based on preceding, the NRC staff concludes that there is a reasonable basis for pursuing the removal of the limitations on Code Cases N-554-2 and N-567-1 in Regulatory Guide (RG) 1.147. | Based on the evaluation the limitation being proposed should be removed for Code Case N-554-3. |
| 6              | No page<br>General<br>Comment | Code Case N-567-1 | There is no mention in the Federal Register of the limitation proposed on Code Case N-567-1. The same letter addressing Code Case N-554-2 also evaluated Code Case N-567 as stated above.   | Based on the evaluation the limitation being proposed should be removed for Code Case N-567-1  |
| 7              | DG-1134                       | Page 10           | The limitations on Code Case N-533-1 have changed from those specified in Revision 14 of RG 1.147.  | Revise the limitation to match that specified in Rev. 14 of RG 1.147.                          |
|                |                               |                   |   |  |