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## Nuclear

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**PR 50  
(72FR16731)**

20

June 19, 2007

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USNRC

June 25, 2007 (4:34pm)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Subject: Comments on NRC Proposed Rule 10 CFR 50,  
"Industry Codes and Standards; Amended Requirements"  
(72FR16731, dated April 5, 2007) (RIN 3150-AH76)

Exelon Generation Company, LLC (Exelon) and AmerGen Energy Company, LLC (AmerGen) are submitting this letter in response to a request from the Nuclear Regulatory Commission (NRC) for comments concerning Proposed Rule 10 CFR 50, "Industry Codes and Standards; Amended Requirements," which was published in the Federal Register (i.e., 72FR16731, dated April 5, 2007).

The NRC is proposing to amend its regulations to incorporate by reference the 2004 Edition of Section III, Division 1 and Section XI, Division 1 of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code) and the 2004 Edition of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code). The intent of the Proposed Rule is to provide updated requirements for constructing and inspecting components and testing pumps, valves, and dynamic restraints (i.e., snubbers) in light-water nuclear power plants. The NRC also proposes to require the use of ASME Code Cases N-722 and N-729-1, with conditions, and to remove certain obsolete requirements specified in 10CFR50.55a. The NRC requested comments on this Proposed Rule by June 19, 2007.

Exelon and AmerGen appreciate the opportunity to comment on this Proposed Rule and offer the following comments for consideration by the NRC.

### General Comments

1. Section II, "Summary of Proposed Revisions to 10 CFR 55.55a," sub-section "10 CFR 50.55a(b)(2)(xx) – System Leakage Tests."

The discussion regarding the proposed change to Paragraph 50.55a(b)(2)(xx) reads in part:

*"Paragraph 50.55a(b)(2)(xx) would be revised to require that after system leakage tests performed during repair and replacement activities by welding or brazing under the 2003 Addenda through the latest edition and addenda incorporated by reference in 10 CFR 50.55a(b)(2), NDE must be performed in accordance with IWA-4540(a)(2) of the 2002 Addenda of Section XI...."*

Template = SECY-067

SECY-02

This discussion states that the required non-destructive examination (NDE) must be performed after system leakage tests performed during repair and replacement activities. Although the proposed revision does not include specific wording requiring NDE after the system leakage test, it could be interpreted from this discussion that the proposed changes to 10 CFR 50.55a(b)(2)(xx) do require NDE following a system leakage test. Exelon/AmerGen believe that this would result in extreme hardship for any repair/replacements that rely on the system leakage test at the conclusion of an outage to fulfill pressure test requirements. Therefore, we request clarification regarding the performance of NDE with system leakage testing to better understand the restraints on when NDE takes place after a repair/replacement activity.

2. Section II, "*Summary of Proposed Revisions to 10 CFR 50.55a*," sub-section "*10 CFR 50.55a(g)(6)(ii)(D) – Augmented Inspection of PWR Pressure Vessel Heads.*"

- a. Reactor head examinations were originally mandated through NRC First Revised Order EA-03-009. In cases where the requirements of the Order could not be met, provisions for relaxation (relief) were available. Many units have already submitted and received approval for relaxation requests.

Therefore, Exelon/AmerGen request clarification regarding whether licensees will be required to resubmit the relaxation requests, or will the relaxation requests be acceptable until the next examination?

- b. Relief requests under 10 CFR 50.55a(a)(3)(i) (alternatives) and (ii) (hardship) will apply to the N-729-1 requirements.

However, Exelon/AmerGen request clarification regarding whether relief requests under 10 CFR 50.55a(g)(6)(i) (impractical) would also apply to the N-729-1 requirements.

- c. What will be the post-outage reporting requirements for RPV Head examinations if the mandated N-729-1 is used instead of the NRC Order?

Exelon/AmerGen request clarification regarding whether the NRC Order will be eliminated if the N-729-1 requirements are implemented.

3. Section 10CFR50.55a(g)(6)(ii)(D)(3) of Proposed Rule

Proposed paragraph 10 CFR 50.55a(g)(ii)(6)(D)(3) states in part: "...A *surface examination must be performed on all J-groove welds...*" Exelon/AmerGen believe that this would result in a substantial increase in the amount of dose without any compensating level of quality. So far, based on the number of reactor head examinations performed in accordance with the NRC First Revised Order EA-03-009, it appears the examinations have been proven to be effective. Therefore, we consider that imposing additional requirements above and beyond the Order may result in increased hardship for the licensee without a compensating increase in the level of quality and safety.

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If you have any questions or require additional information, please do not hesitate to contact Mr. Richard Gropp at 610-765-5557.

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. Helker". The signature is written in a cursive style with a large initial "D".

David P. Helker  
Manager - Licensing