

Billie Champ

PRM-72-6
(74FR09178)

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From: NRCExecSec Resource [NRCExecSec.Resource@nrc.gov]
Sent: Wednesday, May 06, 2009 8:55 AM
To: Sheila McKelvin; Linda Mike; Billie Champ
Subject: FW: Comments on Receipt of Petition for Rulemaking, 10 CFR Part 72, Docket No. PRM-72-6, NRC-2008-0649
Attachments: 2009 May 5 PRM-72-6.pdf

From: Kevin Ennis[SMTP:ENNISK@ASME.ORG]
Sent: Wednesday, May 06, 2009 8:54:12 AM
To: NRCExecSec Resource
Subject: Comments on Receipt of Petition for Rulemaking, 10 CFR Part 72, Docket No. PRM-72-6, NRC-2008-0649
Auto forwarded by a Rule

Dear Ms Vietti-Cook,

Attached is a letter from Bryan Erler, VP ASME Nuclear Codes and Standards, providing ASME comments on Nuclear Regulatory Commission, 10 CFR Part 72, PRM-72-6, Receipt of Petition for Rulemaking.

As always, if you have any questions, please feel free to contact me at your convenience.

Kevin Ennis
ASME Director, Nuclear Codes and Standards
212.591.7075

DOCKETED
USNRC

May 6, 2009 (11:23am)

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CODES & STANDARDS

May 5, 2009

Ms. Annette L. Vietti-Cook
Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: NRCExecSec@nrc.gov

Attention: Rulemakings and Adjudications Staff

Subject: **Comments on Receipt of Petition for Rulemaking, 10 CFR Part 72, Docket No. PRM-72-6, NRC-2008-0649**

Reference: 1. Proposed Rules, *Federal Register*, Vol. 74, No. 40, pp. 9178-9180, Tuesday, March 3, 2009

Dear Ms. Vietti-Cook:

ASME is pleased to have the opportunity to provide comments on Nuclear Regulatory Commission (NRC), 10 CFR Part 72, PRM-72-6, Receipt of Petition for Rulemaking, published in Reference 1.

ASME, with industry participation, has vigorously pursued the development of the ASME Boiler and Pressure Vessel (BPV) Code, Section III, Division 3 to define the requirements for spent fuel storage containers. ASME supports the use and encourages the endorsement by the NRC of its Nuclear Codes and Standards. The 2007 Edition of the ASME BPV Code, Section III, Division 3, including the 2008 Addenda, contains a complete set of requirements necessary to construct these storage containers, addressing materials, design, fabrication, examination, testing, and stamping requirements.

In Reference 1, the petitioner suggests a number of NRC regulation amendments. Our comments are restricted to suggestions 5, 6, 7, and 8 that make specific reference to ASME Codes and Standards. All four of the suggestions discuss issues that would be resolved by full endorsement of the ASME BPV Code, Section III, Division 3 because it includes requirements covering the following four suggestions by the petitioner, 1) editions and addenda of the Code, 2) stamping, 3) materials and 4) fabrication and testing.

This ASME comment letter is being submitted for the purpose of enhancing the use of ASME Nuclear Codes and Standards within the nuclear industry and in support of maintaining the public health and safety without placing unnecessary burden on the nuclear industry. It is hoped that upon review, the NRC staff will be able to move forward and fully endorse ASME BPV

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Code, Section III, Division 3. ASME looks forward to working with the NRC staff to resolve any questions that might arise regarding the comments that we have provided in this letter.

If you have any questions, contact me or Mr. Kevin Ennis, ASME Director, Nuclear Codes and Standards by telephone at (212) 591-7075 or by e-mail (ennisk@asme.org).

Very Truly Yours,



Bryan A. Erler, PE

Vice President

ASME Nuclear Codes and Standards

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cc: Members, ASME Board on Nuclear Codes and Standards
Members, ASME BPV Committee on Construction of Nuclear Facility Components (III)

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