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Your ref: Docket No. 52-006
Our ref: DCP/NRC2519

June 8, 2009

Subject: AP1000 ASME Code Case N-782

This letter supplements the information provided in letter DCP/NRC2452, dated April 28, 2009. The ASME Code Cases used in the AP1000 are listed in Table 5.2-3 of Tier 2 of the AP1000 Design Control Document (DCD). The ASME Boiler and Pressure Vessel Standards Committee recently approved Code Case N-782, Use of Code Editions, Addenda, and Cases Section III, Division 1. This Code Case is required to align ASME Code, Section III requirements for the Code Edition and Addenda to the requirements of 10 CFR Part 52 and the Design Certification.

This Code Case is not included in NRC Regulatory Guide 1.84, Revision 34. As required by 10 CFR 50.55a (a)(3), Westinghouse is requesting approval for the use of this ASME Code Case as proposed alternatives to the rules of 10 CFR 50.55a.

Code Case N-782 provides that the Code Edition and Addenda endorsed in a design certified by the regulatory authority may be used for systems and components constructed to ASME Code, Section III requirements. These alternative requirements are in lieu of requirements that base the Edition and Addenda on the construction permit date. The use and approval of Code Case N-782 is needed to align ASME Code requirements to the ASME Code Edition and Addenda cited in Design Control Document (DCD) Subsection 5.2.1.1. Reference to Code Case N-782 will be included in component and system design specifications and design reports to permit certification of these specifications and reports to the Code Edition and Addenda cited in the (DCD) and approved by the NRC.

10 CFR 50.55a (a)(3) requires that (i) The proposed alternatives would provide an acceptable level of quality and safety, or (ii) Compliance with the specified requirements of this section would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

The use of Code Case N-782 facilitates the use of the ASME Code edition and addenda included in the AP1000 Design Certification. Therefore, it will provide the same level of quality and safety as was included in the information reviewed for the AP1000 Design Certification.

Code Case N-782 is needed so that design specs and design reports using the 1998 Edition 2000 Addenda of the Code, approved in the Design Certification, can be approved by the Authorized Nuclear Inspector

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(ANI). Without the code case a different edition and addenda would need to be use to get ANI approval. This is a hardship without a compensating increase in the level of quality and safety.

Code Case N-782 will be added to Design Control Document Table 5.2-3 as shown below.

Table 5.2-3	
ASME CODE CASES	
Code Case Number	Title
N-782	Use of Code Editions, Addenda, and Cases Section III, Division 1

The information provided in this letter is generic and applies to all COL applicants referencing the AP1000 design certification. The information provided above should permit the NRC to complete its schedule for the review of the AP1000 Design Certification amendment.

Questions related to the content and preparation of this letter should be directed to Westinghouse. Please send copies of such questions or requests to the prospective applicants for combined licenses referencing the AP1000 Design Certification. A representative for each applicant is included on the cc: list of this letter.

Very truly yours,



Robert Sisk, Manager
Licensing and Customer Interface
Regulatory Affairs and Standardization

- cc: P. Buckberg - U.S. NRC
- E. McKenna - U.S. NRC
- D. Jaffe - U.S. NRC
- T. Spink - TVA
- P. Hastings - Duke Power
- R. Kitchen - Progress Energy
- A. Monroe - SCANA
- P. Jacobs - Florida Power & Light
- C. Pierce - Southern Company
- E. Schmiech - Westinghouse
- G. Zinke - NuStart/Entergy
- R. Grumbir - NuStart
- D. Lindgren - Westinghouse
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