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PROPOSED RULE

PR Misc Notice
Reg Guide

April 14, 1980

Secretary of The Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Subject: Regulatory Guide 1.84
Code Case N-82 (1677)



Gentlemen;

In the second paragraph under "B. DISCUSSION", I believe additional Clarification would be most helpful for the situation where an approved Code Case has been annulled because the intent has been incorporated into the Code.

Specifically, I'm primarily concerned with Code Case N-82 (1677) which was incorporated into the 1977 Edition, Winter 1978 Addenda to the Code. We presently are constructing a component to the 1974 Edition, thru the Summer 1976 Addenda to the Code, and recently requested the Owners Agent to approve the use of Code Case N-82 (1677). The Owners Agent rejected our request based upon the statement made in Section C.2 and D.1 of Reg. Guide 1.84.

Our contention is that since the Code Case was in effect at the time the component was ordered and that the Code Case was included in Section C.1.a (1) of 1.84, it is still acceptable to the NRC. In other words, the clarification to the Reg. Guide 1.84 that I've suggested would be as follows:

"Most Code Cases are eventually superseded by revision to the Code and then are annulled by action of the ASME Council. In such cases, the intent of the annulled Code Case becomes part of the revised Code, and therefore continued use of the Code Case intent is sanctioned under the rules of the revised code. The acceptance of the technical position of the Code Case is not withdrawn from the Codes that were in effect during the approved life of the Code Case."

Ack by card 4/24/80

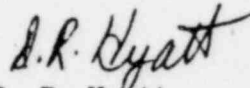
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In other words, if the NRC approved life of Code Case N-82 (1677) was from 12-16-74 to 3-12-78, the use of this Code Case for components being constructed to the Code 1974 Edition, Summer 1974 Addenda through the 1977 Edition, Summer 1978 Addenda is permitted per Reg. Guide 1.84.

It is my opinion that because of the delay in construction of many Nuclear plants, this question shall continue to be raised in the future.

Sincerely,



D. R. Hyatt
Manager Nuclear Design

DRH:ld