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**Constellation  
Nuclear**

**Calvert Cliffs  
Nuclear Power Plant**

*A Member of the  
Constellation Energy Group*

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I am providing the following comments on your proposed rulemaking for incorporation by reference of ASME BPV and OM Code Cases into 10CFR50.55a. I am in support of this rulemaking, these comments simply provide suggested rewording to ensure that the regulations are better understood.

1. I have two comments on (i)(2)(iv). The proposed text is as follows: "A licensee that has initiated implementation of a code case that is subsequently annulled by the ASME may continue to apply that code case until the licensee updates its Section III Code of record unless Sec. 50.55a or Regulatory Guide 1.84 specifically prohibits continued application of the annulled code case."

This wording is not conducive to use with repair/replacement activities performed for operating plants using Section XI. During these repair/replacement activities, many items are procured using Section III and its code cases. As replacement items are procured over time, many different Editions and Addenda of Section III might be referenced for different items therefore, "...until the licensee updates its Section III Code of record..." could be interpreted as a singular event rather than an action that occurs many times. Therefore, I would suggest that the words "for the item being constructed" be added after "Code of record". This makes it clearer that an Owner can use an annulled code case up and until the time that they procure the specific item to an updated Section III.

My second comment is that the paragraph is not completely clear. Code cases are annulled for many reasons, predominately, although not exclusively, because the code case has been incorporated into a later Edition and Addenda of Section III. My concern relates to its use during repair/replacement activities under Section XI. Owners can replace items to the original Construction Code or any later Edition and

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Addenda (and in some cases earlier Editions and Addenda) of the Construction Code that is approved in 10CFR50.55a. This comment can be best characterized by an example. The original Construction Code for an item is the 1971 Edition of Section III. In 1978, the Owner procures a replacement using the 1971 Edition and a code case. This code case is incorporated into the 1996 Addenda of Section III. In 2002, the Owner constructs a replacement for the item using the 1983 Edition. They still want to use the code case, but because they updated the Code of record, it would appear from the proposed wording that they can not use it, even though the code case has not been incorporated into the 1983 Edition of Section III.

I would suggest that the following words be inserted to resolve both comments:

"...licensee updates its Section III Code of record, for the item being constructed, to an Edition or Addenda of Section III that has incorporated the Case, ..."

2. I would suggest that footnote 6 be used as a reference to the new Regulatory Guide DG-1112. This Regulatory Guide would help the Owners understand the basis for non-approval of certain code cases. This will assist them in working with the NRC on using a non-approved code case through licensing action. It is my understanding that even though the code cases are not generically approved, if the Owner were to incorporate actions that would resolve the NRC's concerns, use of the provisions may be a viable option. Most of the Owners that have representatives attending Section XI meetings are aware of this new Regulatory Guide, but others would benefit from the information.

Should you have any questions, feel free to contact me at 410-495-4466, or via E mail, [william.c.holston@ccnppi.com](mailto:william.c.holston@ccnppi.com).

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