

JACKET NUMBER  
PROPOSED RULE **PR-50**  
**(50 FR 20574)**

[7590-01]

Federal Register Notice

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Codes and Standards for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission proposes to amend its regulations to incorporate by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda and 1983 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1982 Addenda, Summer 1983 Addenda, and 1983 Edition of Section XI, Division 1, of the ASME Code. The sections of the ASME Code being incorporated provide rules for the construction of light-water-cooled nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

DATES: Comment period expires JUL 16 1985.\*

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

\* A date will be inserted allowing 60 days for public comment.

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add G.C. Millman, 5650 NH

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pub. 5/17/85

ADDRESSES: Written comments or suggestions may be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. G. C. Millman, Division of Engineering Technology, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301)443-7860.

SUPPLEMENTARY INFORMATION: On February 7, 1983, the Nuclear Regulatory Commission published in the Federal Register (48 FR 5532) amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," which incorporated by reference new addenda to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). The amendment revised §50.55a to incorporate by reference the Winter 1981 Addenda to Division 1 rules of Section III, "Rules for the Construction of Nuclear Power Plant Components," and Division 1 rules of Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME Code. On November 4, 1983, the Commission published in the Federal Register (48 FR 50878) an amendment to §50.55a to incorporate by reference the Summer 1982 Addenda to Section III, Division 1, of the ASME Code. The ASME did not publish a Summer 1982 Addenda to Section XI. On March 15, 1984, the Commission published in the Federal Register (49 FR 9711) an amendment to §50.55a to, among other

things, incorporate by reference those subsections of Section III which apply to the construction of Class 2 and Class 3 components.

Since publication of the last ASME Code addenda incorporated by reference in §50.55a, the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and 1983 Edition, to the ASME Code have been issued. The 1983 Edition is equivalent to the 1980 Edition, as modified by the Summer 1980 Addenda, Winter 1980 Addenda, Summer 1981 Addenda, Winter 1981 Addenda, Summer 1982 Addenda, and Winter 1982 Addenda. The Commission proposes to amend §50.55a to incorporate by reference all editions through the 1983 Edition and all addenda through the Summer 1984 Addenda that modify Section III, Division 1, and all editions through the 1983 Edition and all addenda through the Summer 1983 Addenda that modify Section XI, Division 1, of the ASME Code. The Summer 1983 Addenda for Section XI does not include any technical requirements related to Division 1, but is being included in the reference to avoid confusion that might occur with a lack of continuity in the addenda references.

Editorial revisions are proposed to correct certain existing footnote and paragraph references that are inconsistent with the last amendment (49 FR 9711) to this rule and to simplify the language. These editorial revisions are contained entirely in §50.55a(g).

For facilities whose operating licenses were issued prior to March 1, 1976, this rule provides the effective date for implementing the inservice inspection requirements and for defining the effective edition and addenda of the Code for the start of the next one-third of a 120-month inspection interval after September 1, 1976. Since this one-third of an inspection interval has already been completed for all applicable facilities, it is proposed that the part of the rule addressing it in §50.55a(g)(4)(iii) be deleted.

Power reactors for which a notice of hearing on an application for a provisional construction permit or a construction permit had been published on or before December 31, 1970, were permitted to use the rules for construction required by power reactors that had received their construction permits prior to January 1, 1971. It is proposed that §50.55a(i) which covers this provision be deleted because it is no longer necessary. Section 50.55a(c)(4) provides that for these and other facilities that received a construction permit prior to May 14, 1984, the applicable Code Edition and Addenda for a component of the reactor coolant pressure boundary continue to be that Code Edition and Addenda that were required by Commission regulations for the component at the time of issuance of the construction permit.

#### REGULATORY ANALYSIS

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street



NW., Washington, DC. Single copies of the analysis may be obtained from Mr. G. C. Millman, Division of Engineering Technology, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Telephone (301)443-7860.

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the ADDRESSES heading.

#### PAPERWORK REDUCTION ACT STATEMENT

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

#### REGULATORY FLEXIBILITY CERTIFICATION

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

#### LIST OF SUBJECTS IN 10 CFR PART 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 50.

#### PART 50 - DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

AUTHORITY: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 50.58, 50.91 and 50.92 also issued

under Pub. L. 97-415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73 and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 50.55a is amended as follows:

Paragraph (b)(1) and the introductory text of paragraph (b)(2) are revised;

Reference to footnote 2 in paragraph (g)(1) is deleted;

References to footnote 3 in paragraph (g)(2) and in paragraphs (g)(3)(ii) and (iv) are deleted;

Paragraphs (g)(3)(i) and (iii) are revised;

Paragraph (g)(4)(iii) is deleted and reserved; and

Paragraph (i) is deleted.

§50.55a Codes and standards.

\* \* \* \* \*

(b) \* \* \*

(1) As used in this section, references to Section III of the ASME

Boiler and Pressure Vessel Code refer to Section III, Division 1, and include editions through the 1983 Edition and Addenda through the Summer 1984 Addenda.

(2) As used in this section, references to Section XI of the ASME Boiler and Pressure Vessel Code refer to Section XI, Division 1, and include editions through the 1983 Edition and Addenda through the Summer 1983 Addenda, subject to the following limitations and modifications:

\* \* \* \* \*

(g) \* \* \*

(3) \* \* \*

(i) Components which are classified as ASME Code Class 1 shall be designed and be provided with access to enable the performance of inservice examination of such components and shall meet the preservice examination requirements set forth in Section XI of editions of the ASME Boiler and Pressure Vessel Code and Addenda<sup>6</sup> applied to the construction of the particular component.

\* \* \* \* \*

(iii) Pumps and valves which are classified as ASME Code Class 1 shall be designed and be provided with access to enable the performance of inservice testing of the pumps and valves for assessing operational readiness set forth in Section XI of editions of the ASME Boiler and



Pressure Vessel Code and Addenda<sup>6</sup> applied to the construction of the particular pump or valve or the Summer 1973 Addenda, whichever is later.

\* \* \* \* \*

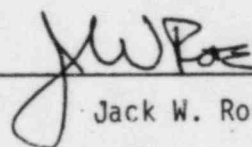
(4) \* \* \*

(iii) [Reserved]

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Dated at Bethesda, MD this 19th day of April 1985.

For the Nuclear Regulatory Commission.



Jack W. Roe

Acting Executive Director for Operations.