

NRC/Stakeholder Meeting – November 20, 2002
NRC Review & Approval Process for ASME Code Cases

Objective:

- Identify options for expediting the availability of NRC-approved Code Cases for use by licensees.

Benefits:

- Reduce the industry FTEs required to prepare plant-specific licensing-action requests associated with 10CFR50.55a.
- Reduce the NRC FTEs required for plant-specific reviews of 10CFR50.55a requests.
- Identify the “time zero” at which an ASME Code Case enters the NRC review & approval process.
- Evaluate the feasibility of NRC review in parallel with the ASME Code Case process.
- Develop separate “end game” NRC processes for the different types of Code Cases:
 - approved by NRC without exception
 - approved by NRC with exception (include basis)
 - NRC “pocket veto”
 - denied by NRC (include basis)

IMPLEMENTATION OF NRC-APPROVED ASME CODE CASES

ASME publishes a new Code Edition (3-year cycle)

NRC Rulemaking incorporates the new Edition into 10CFR50.55a

Submit Code Case requests to ASME

ASME approves & publishes Code Cases

NRC approves, rejects, or takes exception to Code Cases

Code Cases placed in queue for Regulatory Guides

NRC published draft Reg Guides for public comment

NRC publishes revised Reg Guides

NRC incorporates Reg Guide revision numbers into 10CFR50.55a by Rulemaking

Code Cases available to licensees (via Rulemaking)

CURRENT PROCESS

Licensee needs to use a Code Case

Plant-specific requests for relief or alternative per 10CFR50.55a (NEI White Paper)

Plant-specific NRC SEs

Code Cases available to licensees (via plant-specific precedent)

NEW PROCESS (proposed)

New generic option for requesting plant-specific approval (see Page 2)

Federal Register Notice (generic SE for public comment)

Resolve comments, or reissue FRN for additional comment

Federal Register Notice (generic SE available for licensee reference)

Plant-specific requests to use generic SE

Plant-specific Federal Register Notices (proposed licensing actions for public comment)

Plant-specific NRC approval letters

Code Cases available to licensees (via generic process)

OPTION	PROS	CONS
1. Legislation		Unnecessary. Uncertain. Political.
2. Expedite the current process (e.g., 6-month cycle for Regulatory Guide revisions and a Rule change to incorporate the new revision numbers)	Faster implementation of the current rule.	Not realistic - too many procedural steps.
3. Major Rulemaking (replace current 50.55a with a "risk-informed" rule)	Introduce risk-informed concepts into ASME Code Case implementation. Achieve compatibility with other parts of the Regulations where risk concepts are being used now.	Long term. Still need an interim process change.
4. Rulemaking to remove reference to specific Addenda/Editions of the ASME Code from 50.55a	Simpler rule. Comprehensive.	Long term. Still need an interim process change.
5. Periodically issue Direct Final Rules (DFRs) to endorse Code Cases.	Timely. Relatively straight-forward. would satisfy the objective.	Significant adverse comments are difficult to avoid. Administratively burdensome.
6. DFR to revise 50.55a(a)(3) to allow Director NRR to generically approve Code Cases.	Generic approval.	Best solution?
7. Regulatory Issue Summary (to authorize use of "no exception" Code Cases)	Simplest approach.	Legal constraints?