

January 8, 2008

The Honorable Rick Boucher
Chairman, Subcommittee on Energy
and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for your information is the *Federal Register* notice for a final rule amending § 50.55a of 10 CFR Part 50. The Nuclear Regulatory Commission (NRC) has sent to the Office of the Federal Register the enclosed *Federal Register* notice amending § 50.55a to incorporate by reference regulatory guides addressing NRC approval of American Society of Mechanical Engineers (ASME) Code cases. Section 50.55a requires that nuclear power plant licensees follow those ASME *Boiler and Pressure Vessel Code* requirements that pertain to nuclear power plants, as well as requirements in the ASME *Code for Operation and Maintenance of Nuclear Power Plants*. The ASME also publishes Code cases that provide alternatives to various Code requirements. The NRC reviews these Code cases, determines whether they are acceptable alternatives to the Code requirements, and publishes regulatory guides that list acceptable Code cases along with any necessary modifications and conditions. This rulemaking incorporates these regulatory guides by reference, thus allowing NRC licensees to implement these Code cases without seeking prior NRC approval. Because Code cases are alternatives to the provisions in NRC regulations and not interpretations, the NRC is required to incorporate them into its regulations in order to comply with the public notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 551, et seq).

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register notice

cc: Representative Fred Upton

January 8, 2008

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for your information is the *Federal Register* notice for a final rule amending § 50.55a of 10 CFR Part 50. The Nuclear Regulatory Commission (NRC) has sent to the Office of the Federal Register the enclosed *Federal Register* notice amending § 50.55a to incorporate by reference regulatory guides addressing NRC approval of American Society of Mechanical Engineers (ASME) Code cases. Section 50.55a requires that nuclear power plant licensees follow those ASME *Boiler and Pressure Vessel Code* requirements that pertain to nuclear power plants, as well as requirements in the ASME *Code for Operation and Maintenance of Nuclear Power Plants*. The ASME also publishes Code cases that provide alternatives to various Code requirements. The NRC reviews these Code cases, determines whether they are acceptable alternatives to the Code requirements, and publishes regulatory guides that list acceptable Code cases along with any necessary modifications and conditions. This rulemaking incorporates these regulatory guides by reference, thus allowing NRC licensees to implement these Code cases without seeking prior NRC approval. Because Code cases are alternatives to the provisions in NRC regulations and not interpretations, the NRC is required to incorporate them into its regulations in order to comply with the public notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 551, et seq).

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register notice

cc: Senator George V. Voinovich

January 8, 2008

The Honorable John D. Dingell
Chairman, Committee on Energy
and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register notice

cc: Representative Joe Barton

January 8, 2008

The Honorable Barbara Boxer
Chairman, Committee on Environmental
and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chairman:

Enclosed for your information is the *Federal Register* notice for a final rule amending § 50.55a of 10 CFR Part 50. The Nuclear Regulatory Commission (NRC) has sent to the Office of the Federal Register the enclosed *Federal Register* notice amending § 50.55a to incorporate by reference regulatory guides addressing NRC approval of American Society of Mechanical Engineers (ASME) Code cases. Section 50.55a requires that nuclear power plant licensees follow those ASME *Boiler and Pressure Vessel Code* requirements that pertain to nuclear power plants, as well as requirements in the ASME *Code for Operation and Maintenance of Nuclear Power Plants*. The ASME also publishes Code cases that provide alternatives to various Code requirements. The NRC reviews these Code cases, determines whether they are acceptable alternatives to the Code requirements, and publishes regulatory guides that list acceptable Code cases along with any necessary modifications and conditions. This rulemaking incorporates these regulatory guides by reference, thus allowing NRC licensees to implement these Code cases without seeking prior NRC approval. Because Code cases are alternatives to the provisions in NRC regulations and not interpretations, the NRC is required to incorporate them into its regulations in order to comply with the public notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 551, et seq).

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register notice

cc: Senator James M. Inhofe

January 8, 2008

The Honorable Rick Boucher
Chairman, Subcommittee on Energy
and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

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Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register notice

cc: Representative Fred Upton

DISTRIBUTION:

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Identical Letters sent to: The Honorable Barbara Boxer, cc: Senator James M. Inhofe; The Honorable Thomas R. Carper, cc: Senator George V. Voinovich; The Honorable John D. Dingell, cc: Representative Joe Barton

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* See previous concurrences

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