

June 1, 2009

The Honorable Henry A. Waxman
Chairman, 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 proposed rule to incorporate by reference the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel* (BPV) Code Cases into Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a. The Code Cases developed by ASME are alternatives to requirements of the ASME *Boiler and Pressure Vessel* Code (BPV Code) and Code for *Operation and Maintenance* of Nuclear Power Plants (OM Code) and often reflect improvements in technology, new information or improved procedures. It is the Nuclear Regulatory Commission's (NRC) practice to review these Code Cases and find them acceptable, conditionally acceptable, or unacceptable for use. These Code Cases are then listed in the regulatory guides (RGs), which are revised periodically together with information on the acceptability of the Code Cases. The revised RGs are thus "incorporated by reference" into 10 CFR 50.55a by rulemaking. By this rulemaking, the Code Cases become legally binding NRC requirements in accordance with the terms and conditions specified in the RGs.

This proposed rule would incorporate by reference Regulatory Guide (RG) 1.84, Revision 35; and RG 1.147, Revision 16 into 10 CFR 50.55a, superseding RG 1.84, Revision 34; and RG 1.147, Revision 15, respectively. RG 1.192 which lists NRC-approved Code Cases applicable to the Code for *Operation and Maintenance* of Nuclear Power Plants, will not be superseded at this time because no new OM Code Cases have been approved for use. This proposed rulemaking would continue the NRC's practice of incorporating by reference the RGS listing the most current set of NRC-approved ASME Code Cases.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Joe Barton

June 1, 2009

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 proposed rule to incorporate by reference the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel* (BPV) Code Cases into Title 10 of the *Code of Federal Regulations* (CFR) 50.55a. The Code Cases developed by ASME are alternatives to requirements of the ASME *Boiler and Pressure Vessel Code* (BPV Code) and Code for *Operation and Maintenance* of Nuclear Power Plants (OM Code) and often reflect improvements in technology, new information or improved procedures. It is the Nuclear Regulatory Commission's (NRC) practice to review these Code Cases and find them acceptable, conditionally acceptable, or unacceptable for use. These Code Cases are then listed in the regulatory guides (RGs), which are revised periodically together with information on the acceptability of the Code Cases. The revised RGs are thus "incorporated by reference" into 10 CFR 50.55a by rulemaking. By this rulemaking, the Code Cases become legally binding NRC requirements in accordance with the terms and conditions specified in the RGs.

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Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator David Vitter

June 1, 2009

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

Dear Madam Chairman:

Enclosed for your information is the *Federal Register* Notice for a proposed rule to incorporate by reference the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel (BPV) Code Cases* into Title 10 of the *Code of Federal Regulations (CFR) 50.55a*. The Code Cases developed by ASME are alternatives to requirements of the ASME *Boiler and Pressure Vessel Code (BPV Code)* and Code for *Operation and Maintenance* of Nuclear Power Plants (OM Code) and often reflect improvements in technology, new information or improved procedures. It is the Nuclear Regulatory Commission's (NRC) practice to review these Code Cases and find them acceptable, conditionally acceptable, or unacceptable for use. These Code Cases are then listed in the regulatory guides (RGs), which are revised periodically together with information on the acceptability of the Code Cases. The revised RGs are thus "incorporated by reference" into 10 CFR 50.55a by rulemaking. By this rulemaking, the Code Cases become legally binding NRC requirements in accordance with the terms and conditions specified in the RGs.

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/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator James M. Inhofe

June 1, 2009

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Fred Upton

June 1, 2009

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

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Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Fred Upton

IDENTICAL LETTERS SENT TO:

The Honorable Henry A. Waxman with cc: to Representative Joe Barton

The Honorable Thomas K. Carper with cc: to Senator David Vitter

The Honorable Barbara Boxer with cc: to Senator James M. Inhofe

ADAMS Accession No: (Package); **ML091180543 (Letter)** *See previous concurrences

OFFICE	DPR:PRAB:PM	DPR:PRAB:BC	DPR:D	ADM	OCA
NAME	MK Bagchi*	A Imboden*	T McGinty*	M Lesar	
DATE	5/19/09	5/19/09	5/20/09	5/ /09	06/01/09

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