

May 31, 2013

MEMORANDUM TO: Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

FROM: Lawrence E. Kokajko, Director **/RA/ (Mary Muessle for)**  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

SUBJECT: AMENDMENT TO TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* PART 50.55a, "DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES: AMERICAN SOCIETY OF MECHANICAL ENGINEERS' CODE CASES"

Enclosed for your signature is a proposed rule amending § 50.55a of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.55a, "Codes and Standards" (Enclosure 1). This proposed rule would amend the Nuclear Regulatory Commission's (NRC) regulations to incorporate by reference the latest revisions of three regulatory guides (RGs) that approve Code Cases published by the American Society of Mechanical Engineers (ASME):

- RG 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," Rev. 36 (DG-1230 for the proposed rule)
- RG 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," Rev. 17 (DG-1231 for the proposed rule)
- RG 1.192, "Operations and Maintenance Code Case Acceptability, ASME OM Code," Rev. 1 (DG-1232 for the proposed rule)

These incorporations by reference would supersede the incorporations by reference of RG 1.84, Revision 35; RG 1.147, Revision 16; and RG 1.192, Revision 0, respectively.

The NRC staff reviews ASME Boiler and Pressure Vessel (BPV) and Operation and Maintenance (OM) Code Cases, determines the acceptability of each Code Case, and publishes its findings in RGs. The RGs are revised periodically as new Code Cases are published by the ASME. The NRC incorporates by reference the RGs listing acceptable and conditionally acceptable ASME Code Cases in 10 CFR Part 50.55a. This rulemaking continues the NRC's practice of incorporating by reference the RGs listing the most current set of NRC-approved ASME Code Cases.

This proposed rule also includes minor conforming revisions to 10 CFR 50.54 and 10 CFR 50.55, as a result of the Office of the Federal Register revised guidelines on the methods for incorporation by reference of standards in 10 CFR 50.55a.

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Resources:

The Office of Nuclear Reactor Regulation resources for completion of the proposed rulemaking are estimated at 0.25 full-time equivalent (FTE) (0.85 FTE for all offices) in fiscal year (FY) FY 2013 as shown in the FY 2012-FY 2013 Common Prioritization Chart under the heading "Part 50.55a-Incorporation of Code Case RG 1.84, Revision 36; and RG 1.147, Revision 17; and RG 1.192, Revision 1" and have been budgeted.

Coordination:

The Office of Nuclear Regulatory Research concurs with this proposed rule. The Office of the General Counsel has reviewed this proposed rule and has no legal objection. The Staff will coordinate with the Advisory Committee on Reactor Safeguards (ACRS) in accordance with the ACRS memorandum dated January 21, 2011, entitled, "Response to the Advisory Committee on Reactor Safeguards Review of Updates to Title 10 of the *Code of Federal Regulations* 50.55a, "Codes and Standards", in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML110200046.

Notes:

The draft RGs have been approved for publication and sent to the publisher to be published coincidentally with this proposed rule. The staff has prepared a *Federal Register* notice (Enclosure 1) and a Regulatory Analysis (Enclosure 2) supporting this proposed rulemaking.

Consistent with the CA Note dated March 7, 2012, titled, "Generic List of Rulemakings that the Staff Intends to Treat as Exempt from the Cumulative Effects of Regulation Process," ADAMS Accession No. ML12067A035, this rule is exempt from the Cumulative Effect of Regulation (CER) treatment.

Enclosures:

1. *Federal Register* Notice
2. Regulatory Analysis

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Accession Nos.: ML110310045 (Package); ML111720095 (Memo)

\*Via Memo

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