

ML17188A001

Rulemaking at the NRC

July 17, 2017

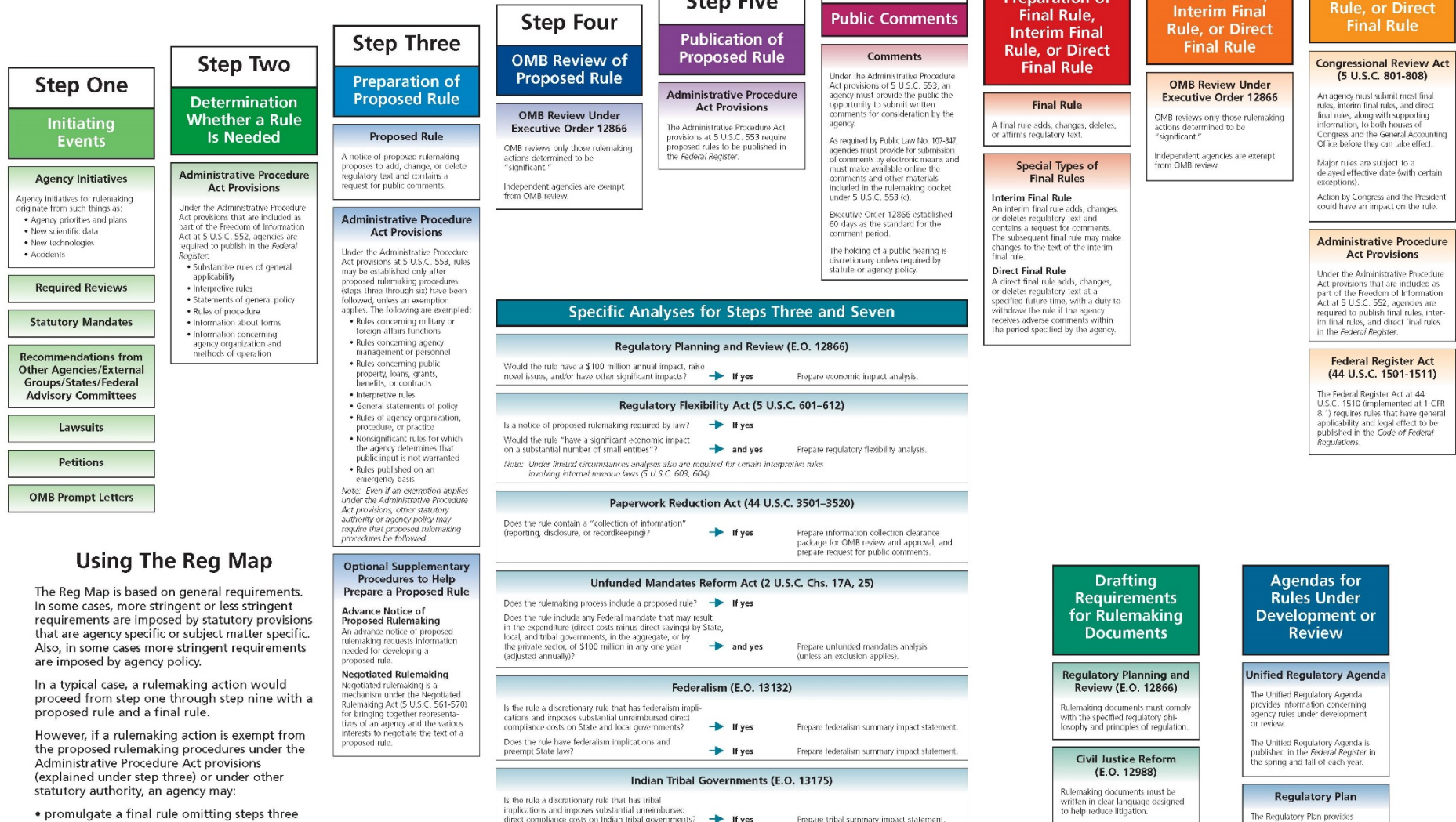
Agenda



- Overview of the rulemaking process
- Status of active ASME rulemakings
- Incorporation by reference
- Tips for submitting effective comments
- Additional resources

The Reg Map

Informal Rulemaking



Using The Reg Map

The Reg Map is based on general requirements. In some cases, more stringent or less stringent requirements are imposed by statutory provisions that are agency specific or subject matter specific. Also, in some cases more stringent requirements are imposed by agency policy.

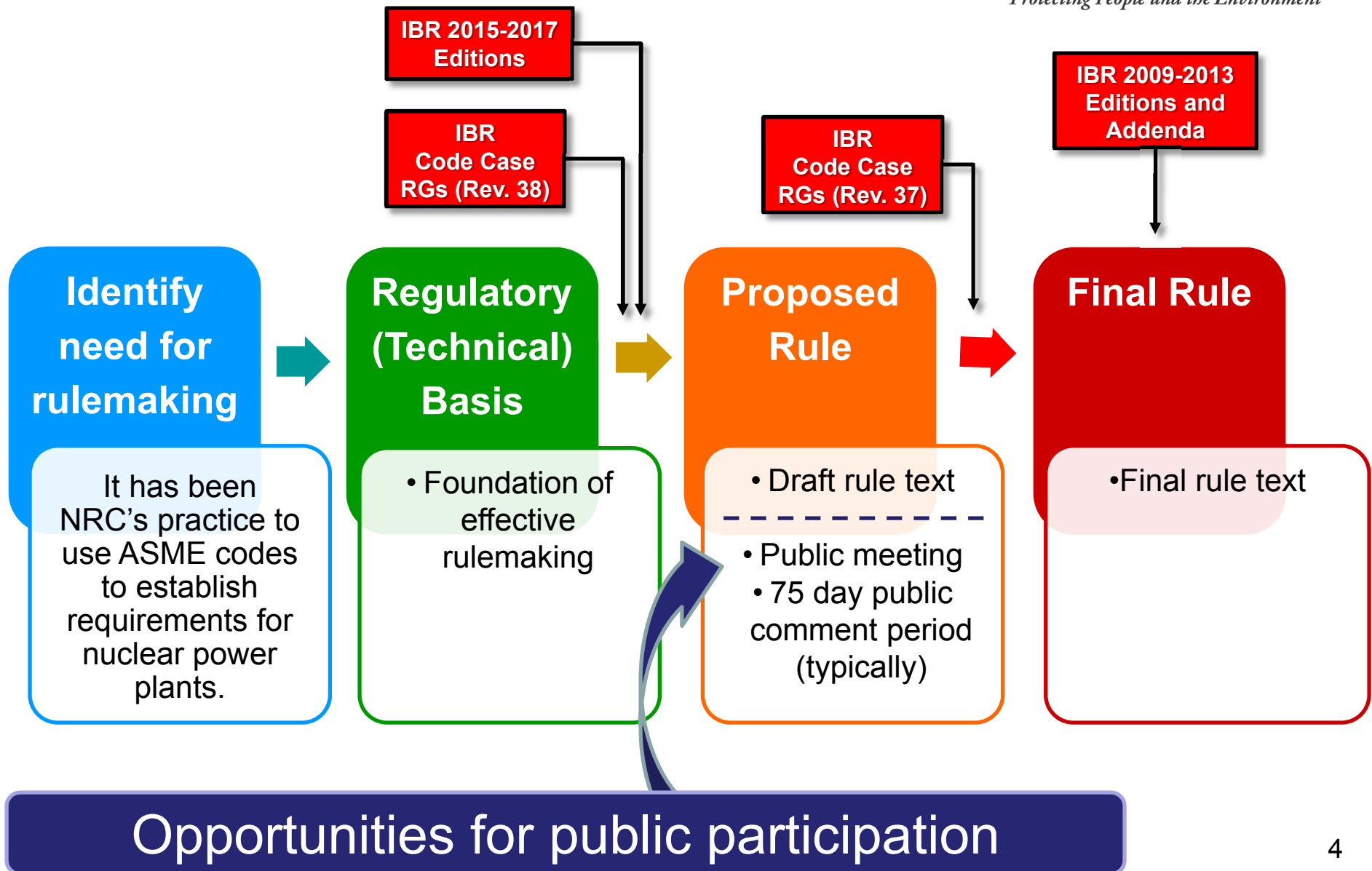
In a typical case, a rulemaking action would proceed from step one through step nine with a proposed rule and a final rule.

However, if a rulemaking action is exempt from the proposed rulemaking procedures under the Administrative Procedure Act provisions (explained under step three) or under other statutory authority, an agency may:

- promulgate a final rule omitting steps three

<https://www.reginfo.gov/public/reginfo/Regmap/index.jsp>

Rulemaking Process



Rulemakings



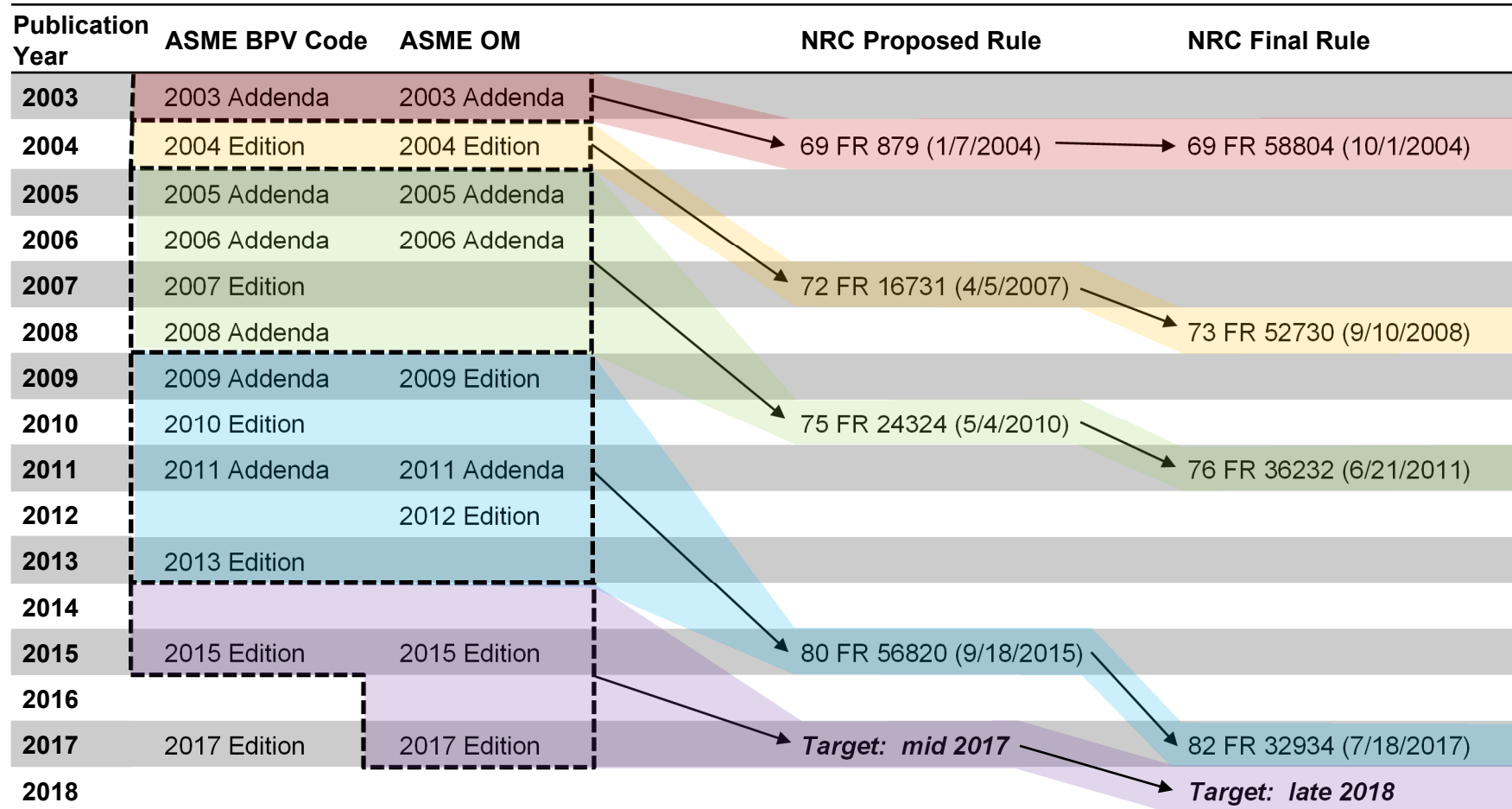
Recently Completed:

- Final Rule: Incorporate by reference ASME BPV/OM 2009 – 2013 Editions/Addenda
(*RIN 3150-AI97, Docket ID NRC-2011-0088*)

Ongoing:

- Final Rule: Incorporate by reference ASME Code Case RGs (RG 1.84, Rev. 37; RG 1.147, Rev. 18; RG 1.192, Rev 2)
(*RIN 3150-AJ13, Docket ID NRC-2012-0059*)
- Proposed Rule: Incorporate by reference ASME 2015 – 2017 Editions
(*RIN 3150-AJ74, Docket ID NRC-2016-0082*)
- Proposed Rule: Incorporate by reference ASME Code Case RGs (RG 1.84, Rev. 38; RG 1.147, Rev. 19; RG 1.192, Rev 3)
(*RIN 3150-AJ93, Docket ID NRC-2017-0024*)

Timeline – Edition/Addenda Rulemakings



Timeline – Code Case RG Rulemakings

Publication Year	ASME BPV Code Case Supplements	NRC Proposed Rule	NRC Final Rule	RG 1.84	RG 1.147	RG 1.192*
2005	4 5 6 7		70 FR 56809 (9/29/2005)	Rev. 33	Rev. 14	
2006	8 9 10 11	71 FR 62942 (10/27/2006)				
2007	0 1 2 3		72 FR 71750 (12/19/2007)	Rev. 34	Rev. 15	
2008	4 5 6 7					
2009	8 9 10 11 0	74 FR 26303 (6/2/2009)				
2010	1 2 3 4		75 FR 61321 (10/5/2010)	Rev. 35	Rev. 16	
2011	5 6 7 8					
2012	9 10 11					
2013	0 1 2 3	78 FR 37886 (6/24/2013)				
2014	4 5 6 7		79 FR 65776 (11/5/2014)	Rev. 36	Rev. 17	Rev. 1
2015	0 1 2 3 4					
2016	5 6 7	81 FR 10780 (3/2/2016)				
2017			Target: mid 2017	Rev. 37	Rev. 18	Rev. 2
2018		Target: early 2018				
2019			Target: early 2019	Rev. 38	Rev. 19	Rev. 3

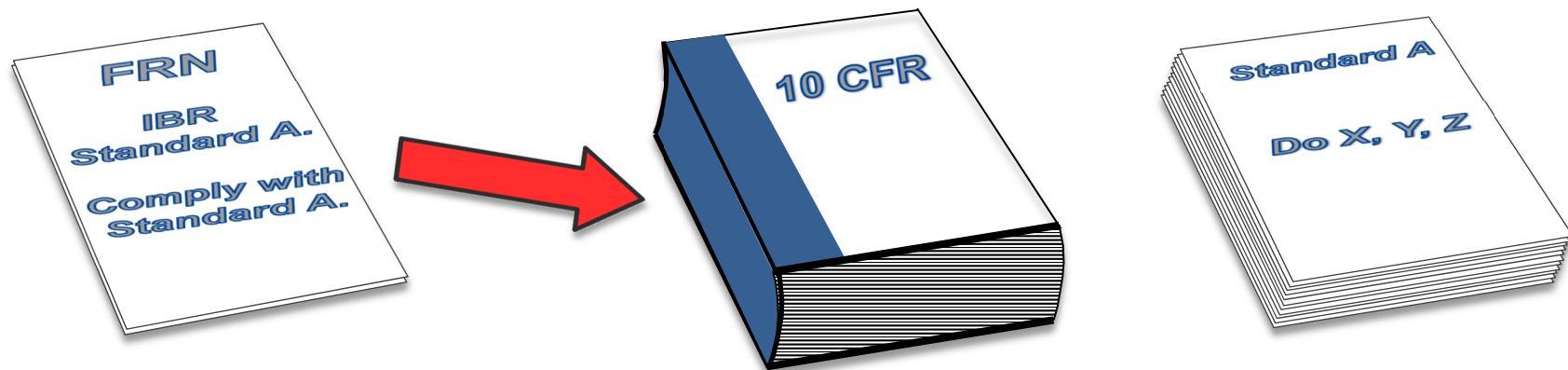
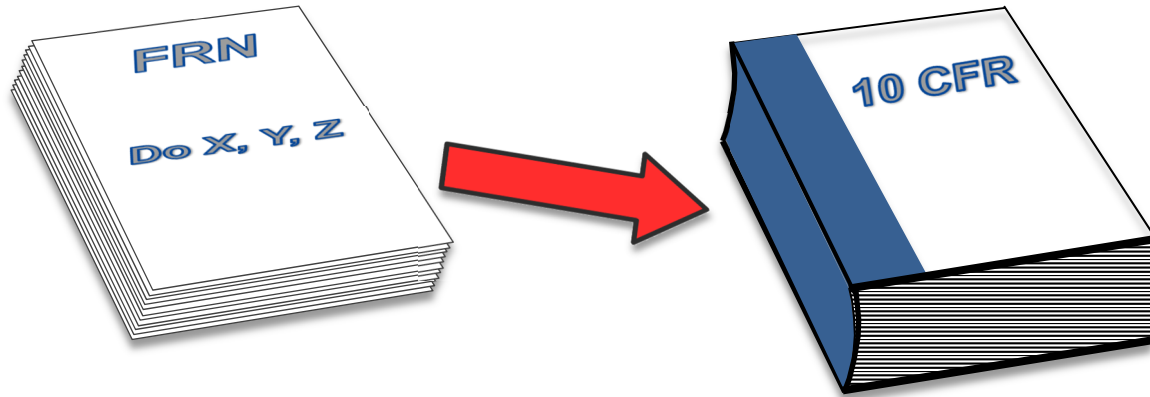
* Scope of RG 1.192 Revisions (OM Code Editions/Addenda)

Rev. 1: 2004 Edition, 2006 Addenda

Rev. 2: 2009 Edition, 2011 Addenda, 2012 Edition

Rev. 3: 2015 Edition, 2017 Edition

What is incorporation by reference?





TIPS FOR SUBMITTING EFFECTIVE COMMENTS*

Overview

A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.

These tips are meant to help the public submit comments that have an impact and help agency policy makers improve federal regulations.

Summary

- ✓ Read and understand the regulatory document you are commenting on
- ✓ Feel free to reach out to the agency with questions
- ✓ Be concise but support your claims
- ✓ Base your justification on sound reasoning, scientific evidence, and/or how you will be impacted
- ✓ Address trade-offs and opposing views in your comment
- ✓ There is no minimum or maximum length for an effective comment
- ✓ The comment process is not a vote – one well supported comment is often more influential than a thousand form letters

Detailed Recommendations

1. Comment periods close at 11:59 eastern time on the date comments are due - begin work well before the deadline.
2. Attempt to fully understand each issue; if you have questions or do not understand a part of the regulatory document, you may ask for help from the agency contact listed in the document.

Note: Although the agency contact can answer your questions about the document's meaning, official comments must be submitted through the comment form.

3. Clearly identify the issues within the regulatory action on which you are commenting. If you are commenting on a particular word, phrase or sentence, provide the page number, column, and paragraph citation from the federal register document.
 - a. If you choose to comment on the comments of others, identify such comments using their comment ID's before you respond to them.

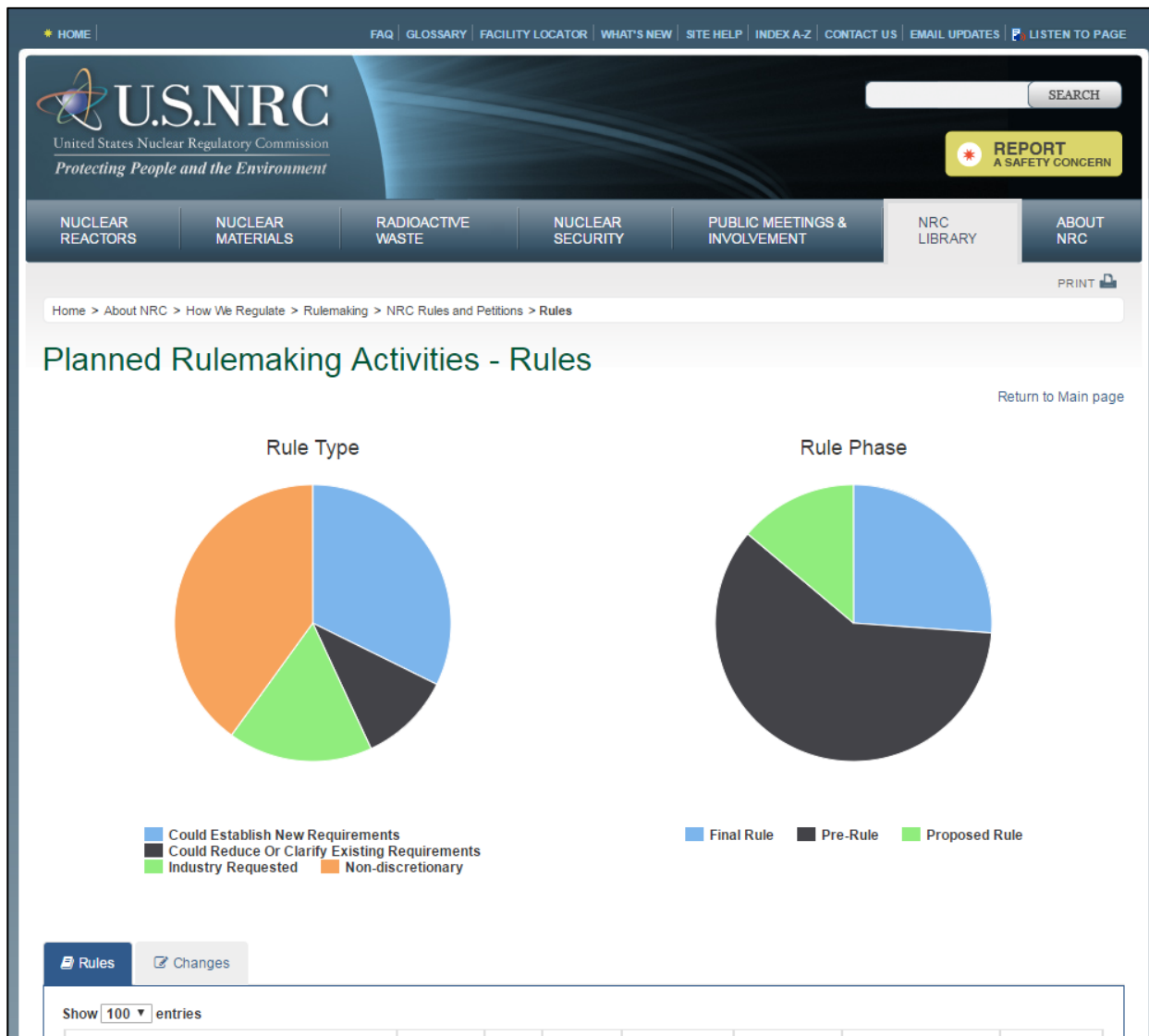
https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf

Additional Resources



- NRC: Planned Rulemaking Activities
- Regulations.gov
- eCFR
- RegInfo Mobile App

NRC: Planned Rulemaking Activities



<https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/RuleIndex.html>

NRC: Planned Rulemaking Activities



Rules

Changes

Show 100 entries

Title	CPR Priority	RIN	Docket ID	Affected CFR Parts	Rule Type	Area of Responsibility	Status
<input type="text" value="american"/>	(All)	F	Filter I	Filter Affected C	(All)	(All)	(A)
2017 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code	High	3150-AJ91	NRC-2017-0020	50	Non-discretionary	Operating Reactors	Funded
2017 Edition of the American Society of Mechanical Engineers Operations and Maintenance Code	High	3150-AJ90	NRC-2017-0019	50	Non-discretionary	Operating Reactors	Completed
2018 Edition of the American Society of Mechanical Engineers Operations and Maintenance Code	High	3150-AJ97	NRC-2017-0028	50	Non-discretionary	Operating Reactors	Funded
American Society of Mechanical Engineers 2009-2013 Code Edition and Addenda Incorporation by Reference	High	3150-AI97	NRC-2011-0088	50	Non-discretionary	Operating Reactors	Anticipated to be Complete this Fiscal Year

NRC: Planned Rulemaking Activities



Rule Information		Pre-Rule		Proposed Rule		Final Rule	
Title	American Society of Mechanical Engineers 2015 - 2017 Code Editions Incorporation by Reference						
Docket ID:	NRC-2016-0082	RIN:	3150-AJ74				
Affected CFR Parts:	50						
Associated PRM Numbers:	-						
Rule Phase:	Proposed Rule		Rule Type:	Non-discretionary			
Area of Regulatory Responsibility	Operating Reactors						
NRC Office:	Office of Nuclear Reactor Regulation (NRR)						
Status:	Funded						
Signature Authority:	Director of the Office of Nuclear Reactor Regulation		Associated Guidance Documents:	No			
Abstract:	<p>This rule would amend the Nuclear Regulatory Commission's (NRC) regulations to incorporate by reference the American Society of Mechanical Engineers (ASME) 2015 Edition of the Boiler and Pressure Vessel Code (BPV) and the 2015 Edition of the Operations and Maintenance Code (OM), and the 2017 Edition of the ASME OM Code. The NRC has a well-established practice of approving and/or mandating the use of certain parts of editions and addenda of ASME Codes in 10 CFR 50.55a through the rulemaking process of incorporation by reference. This practice increases consistency across the industry and demonstrates that the NRC will continue to support the use of the most updated and technically sound techniques developed by the ASME to provide adequate protection to the public. This rulemaking also enhances the efficiency and effectiveness of the NRC's regulations by making use of current voluntary consensus standards and is consistent with applicable requirements of the National Technology Transfer and Advancement Act. The title was revised to address that the rulemaking entitled, "2017 Edition of the American Society of Mechanical Engineers Operations and Maintenance Code" (RIN 3150-AJ90; NRC-2017-0019) was added to the scope of this rulemaking.</p>						
NRC Contacts	Name	Phone	Email				

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ASME 2009 – 2013 rulemaking	NRC-2011-0088
ASME 2015 – 2017 rulemaking	NRC-2016-0082
ASME Code Case RGs rulemaking (Rev. 37...)	NRC-2012-0059
ASME Code Case RGs rulemaking (Rev. 38...)	NRC-2017-0024

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Related Resources

The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government produced by the Office of the Federal Register (OFR) and the Government Publishing Office.

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[A2]

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Title 10: Energy
 PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§50.55a Codes and standards.

(a) *Documents approved for incorporation by reference.* The standards listed in this paragraph have been approved for incorporation by reference by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. The standards are available for inspection at the NRC Technical Library, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-6239; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <http://www.archives.gov/federal-register/cfr/libr-locations.html>.

(1) *American Society of Mechanical Engineers (ASME)*, Three Park Avenue, New York, NY 10016; telephone: 1-800-843-2763; <http://www.asme.org/Codes/>.

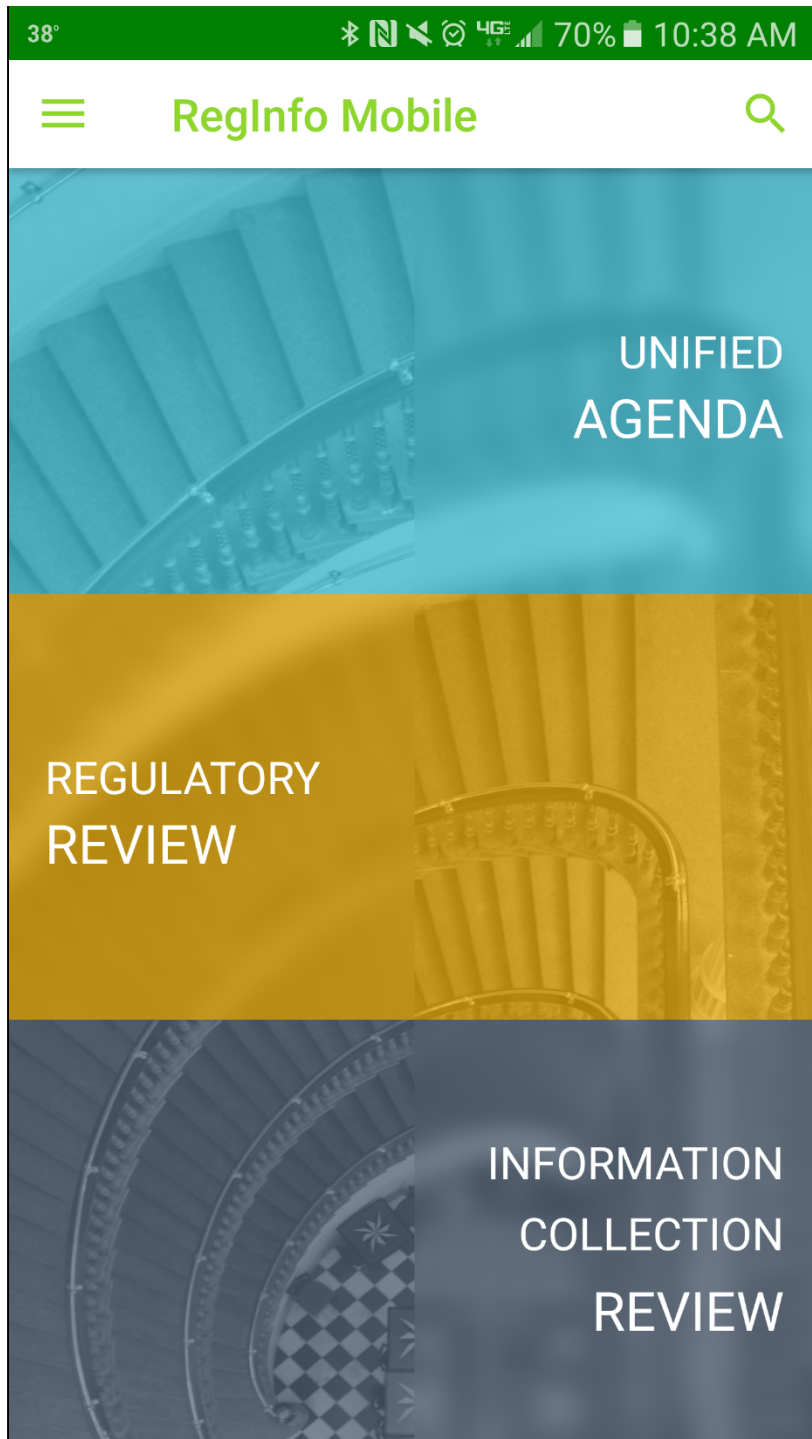
(i) *ASME Boiler and Pressure Vessel Code, Section III.* The editions and addenda for Section III of the ASME Boiler and Pressure Vessel Code are listed below, but limited to those provisions identified in paragraph (b)(1) of this section.

(A) "Rules for Construction of Nuclear Vessels:"

- (1) 1963 Edition,
- (2) Summer 1964 Addenda,
- (3) Winter 1964 Addenda,
- (4) 1965 Edition,
- (5) 1965 Summer Addenda,
- (6) 1965 Winter Addenda,
- (7) 1966 Summer Addenda,
- (8) 1966 Winter Addenda,
- (9) 1967 Summer Addenda,
- (10) 1967 Winter Addenda,
- (11) 1968 Edition,
- (12) 1968 Summer Addenda,
- (13) 1968 Winter Addenda,



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Fall 2016

PROPOSED RULE STAGE

- American Society of Mechanical Engineers 2015 Code Edition Incorporation by Reference [NRC-2016-0082]

NRC

RIN: 3150-AJ74

The rule would amend the NRC's regulations to incorporate by reference the 2015 Edition of the ASME Code. This is a non-discretionary rule directed by SECY-10-0016. The NRC has a well-established practice

Additional Info

CFR Citations

Legal Deadline

Legal Authority

Acronyms



ASME	American Society of Mechanical Engineers
BPV	Boiler and Pressure Vessel Code
CFR	<i>Code of Federal Regulations</i>
FR	<i>Federal Register</i>
FRN	<i>Federal Register</i> notice
IBR	Incorporation by Reference
NRC	Nuclear Regulatory Commission
OM	Operation and Maintenance
RG	Regulatory Guide
RIN	Regulation Identifier Number