



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 17, 2017

Mr. William Berger
Managing Director
of Standards ASME
Two Park Avenue
New York, NY 10016-5990

SUBJECT: PUBLIC ACCESS TO MATERIAL THE NRC SEEKS TO INCORPORATE BY
REFERENCE INTO ITS REGULATIONS

Dear Mr. Berger:

The purpose of this letter is to request that the American Society of Mechanical Engineers (ASME) provide limited public access to Sections III and XI of the 2015 edition of the Boiler and Pressure Vessel (BPV) Code and the 2015 – 2017 editions of the Operation and Maintenance of Nuclear Power Plants (OM Code) during the public comment period for the U.S. Nuclear Regulatory Commission's (NRC's) proposed rule related to the ASME code in § 50.55a of Title 10 of the *Code of Federal Regulations* (CFR), "Codes and standards."

In the near future, the Nuclear Regulatory Commission (NRC) plans to publish in the *Federal Register* a proposed rule to incorporate by reference the editions of the BPV and OM Codes identified in the letter's enclosure. Consistent with ASME's actions to support the NRC's 2015 proposed rule to incorporate by reference certain ASME BPV and OM Codes (80 FR 56820; September 18, 2015), we are requesting that ASME provide members of the general public with read-only access to Sections III and XI of the 2015 edition of the BPV Code and the 2015-2017 editions of the OM Code during the comment period for the proposed rule, which is anticipated in the near term. The NRC is not asking your organization to waive its intellectual property rights to these materials. Nor does the NRC seek to undermine or impair your organization's business model with respect to the development and publication of the BPV Code or the OM Code. The NRC recognizes the value of your organization's efforts to develop and update these standards. Reliance on these standards substantially reduces the amount of resources and time it would otherwise take for the NRC to address design, inspection, and repair of systems, structures and components in nuclear power plants.

ASME's fulfillment of this request will help the NRC satisfy the Office of the Federal Register requirements in 1 CFR Part 51 regarding agency requests for approval to incorporate by reference into the Code of Federal Regulations materials already published elsewhere.

The NRC requests that you respond within 2 weeks of receiving this letter; your prompt reply is required to support the rulemaking schedule for the upcoming revision to 10 CFR 50.55a.

W. Berger

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We look forward to your response to this request. If you have questions or concerns, please contact me, Brian Thomas, at Brian.Thomas@nrc.gov, or 301-415-0377.

Sincerely,

/RA/

Brian E. Thomas
NRC Standards Executive

Enclosure:
List of ASME documents proposed for
incorporation by reference in NRC regulation
10 CFR 50.55a

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