



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

January 8, 2018

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 – REVISED REQUEST

Dear Mr. Berger:

The purpose of this letter is to request that the American Society of Mechanical Engineers (ASME) provide limited public access to the attached list of standards which are to be incorporated by references into § 50.55a of Title 10 of the Code of Federal Regulations (CFR).

By letter dated August 17, 2017, (Agencywide Documents and Access Management System (ADAMS) Accession No. ML17207A028), the NRC requested that the ASME provide limited public access to Sections III and XI of the 2015 edition of the Boiler and Pressure Vessel (BPV) Code and to 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. Subsequently, in response to the ASME email, dated September 01, 2017 (ADAMS Accession No. ML18004A026), the NRC decided to also include the 2017 edition of both Sections III and XI to the ASME BPV Code into the scope of this rulemaking activity. Accordingly, this letter requests that the ASME provide limited public access to the revised list of standards in the Enclosure to this letter during the public comment period for the proposed rule.

The NRC is preparing a proposed rule to incorporate by reference the editions of the ASME BPV and OM Codes identified in the Enclosure. Items 14 through 22 in the enclosure are the additional 2017 ASME BPV Code standards that are now included in the scope of the proposed rule. Consistent with ASME's actions to support the NRC's proposed rule to incorporate by reference certain ASME BPV and OM Codes (80 FR 56820; September 18, 2015), the NRC staff requests that ASME provide members of the general public with read-only access to Sections III, and XI of the 2015 – 2017 editions of the ASME BPV Code and the 2015 – 2017 editions of the OM Code during the public comment period for the proposed rule. The NRC plans to publish the proposed rule in the *Federal Register* shortly.

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 ASME 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 CFR 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.

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

Sincerely,

/RA/

Brian E. Thomas
NRC Standards Executive

Enclosure:
Revised list of ASME documents to be
incorporated by reference into 10 CFR 50.55a

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