



# Regulatory Process for Code Cases and ASME Code Case N-883

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# Agenda

- Background
- Regulatory Process for Code Cases
- ASME Code Case N-883
- Next Steps
- Questions and Contact Information

# Background

- What is the purpose of a Code Case?
  - To clarify the intent of existing requirements.
  - To allow early implementation of an approved Code revision.
  - To provide, when there is an urgent need, rules for materials or construction not covered by existing Code rules.

# Regulatory Process

- 10 CFR 50.55a, “Codes and Standards,” incorporates by reference the ASME B&PV Code.
- Lists the Editions and Addenda, Regulatory Guides (RG), and Code Cases that have been *approved* by incorporation by reference in the regulation.

# Regulatory Process

- RG 1.84, “Design, Fabrication, and Materials Code Case Acceptability, ASME Section III,” Revision 39, December 2021
- RG 1.147, “Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,” Revision 20, dated December 2021
- RG 1.192, “Operation and Maintenance Code Case Acceptability, ASME OM Code,” Revision 4, December 2021
- RG 1.193, ASME Code Cases Not Approved for Use,” Revision 7, dated December 2021

# Regulatory Process

- RG 1.84 identifies Code Cases the NRC has determined to be acceptable alternatives to applicable parts of Section III of the ASME B&PV Code.
- 10 CFR 50.55a(z) allows the use of alternatives to Code requirements in 10 CFR 50.55a provided that the alternatives:
  - Provide an acceptable level of quality and safety, and
  - Compliance will result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

# Regulatory Process

- NRC-approved Code Cases provide an acceptable voluntary alternative to the mandatory ASME B&PV Code provisions.
- Users of Code Cases are responsible for ensuring it does not conflict with the licensee's commitments or regulatory requirements.

# ASME Code Case N-883

- Code Case N-883 - “Construction of Items Prior to the Establishment of a Section III, Division 1 Owner”
  - Approved in RG 1.84 with the following condition:
    - “This Code Case may only be used for the construction of items by a holder of a construction permit, operating license, or combined license under 10 CFR Part 50 or Part 52. This Code Case may not be used by a holder of a manufacturing license or standard design approval or by a design certification applicant.”



# ASME Code Case N-883

- Code Case N-883 would allow Certificate Holders to construct components prior to the establishment of an Owner.
- NRC concerned with not being able to provide regulatory oversight of the ASME Certificate Holders manufacturing the components:
  - Not consistent with the requirements in Appendix B to 10 CFR Part 50 and in 10 CFR 50.55a for a basic component.

# Next Steps

- Feedback provided to ASME B&PV Code committees to enhance Code Case N-883.
- NRC working on developing different regulatory approaches to consider incorporation of the premise of Code Case N-883 into the regulatory framework.

# Questions and Contact Information

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