Congressional Review Act Summary

AGENCY:	U.S. Nuclear Regulatory Commission
TITLE OF ACTION:	American Society of Mechanical Engineers Code Cases and Update Frequency
TYPE OF ACTION:	Final Rule
LEVEL OF SIGNIFICANCE:	Non-Major
AGENCY IDENTIFICATION:	3150
RIN AND/OR DOCKET ID:	3150-AK23 / NRC-2018-0291
DATE OF ISSUANCE:	June 2024
STATUTORY OR JUDICIAL DEADLINE:	None

DESCRIPTION OF ACTION:

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations in 10 CFR 50.55a to provide the NRC's approval of recent American Society of Mechanical Engineers (ASME) Code cases. Specifically, the final rule will incorporate the latest revision of three NRC regulatory guides containing the recent NRC-approved ASME code cases related to the ASME Boiler & Pressure Vessel (BPV) Code, Sections III and XI, Division 1, and the ASME Operation and Maintenance of Nuclear Power Plants (OM) Code, Division 1, Section IST. The final rule will also amend its regulations in 10 CFR 50.55a that require licensees to update at specified intervals the Inservice Inspection (ISI) and Inservice Testing (IST) Programs to recent editions and addenda of the ASME BPV and OM Codes, as incorporated by reference in 10 CFR 50.55a, to allow extended update intervals with specific conditions.

ASME periodically revises and updates its codes for nuclear power plants by issuing new editions and supplements containing code cases; this final rule is in accordance with the NRC's practice to incorporate those new code cases into the NRC's regulations. This rule maintains the safety of nuclear power plants, makes NRC activities more effective and efficient, and allows nuclear power plant licensees and applicants to take advantage of the latest ASME Code Cases. ASME is a voluntary consensus standards organization, and ASME Codes are voluntary consensus standards and ASME Code Cases are voluntary alternatives to portions of the ASME Codes. The NRC's use of the ASME Codes and the ASME code cases is consistent with applicable requirements of the National Technology Transfer and Advancement Act (NTTAA).

ANALYSIS

• Is there an annual effect on the economy of \$100 million or more?

No. The NRC's analysis shows that the final rule would result in a net averted cost for industry of between \$39.0 million (using a 7-percent discount rate) and \$48.1 million (using a 3-percent discount rate). The NRC would realize a net averted cost of between \$6.6 million (using a 7-percent discount rate) and \$8.1 million (using a 3-percent discount rate) and \$8.1 million (using a 3-percent discount rate). The NRC would realize a net averted cost of between \$6.6 million (using a 7-percent discount rate) and \$8.1 million (using a 3-percent discount rate). The NRC and the industry benefit from the final rule because fewer Code alternative requests would be submitted to the NRC for staff review and approval on a plant specific basis under 10 CFR 50.55a(z).

Is there a major increase (typically 10% - 20%) in costs for consumers, individual industries, Federal, State, or local government agencies, or geographical regions?

There is no major increase in costs for consumers, individual industries, Federal, State, or local government agencies, or geographical regions as a result of the approval of the American Society of Mechanical Engineers' Code Cases and Update Frequency rule.

• Is there a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets?

There is no significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

SUMMARY

The NRC believes that this final rule is not a major rule under the Congressional Review Act.

AGENCY CONTACT: Patricia Cline-Thomas Office of Nuclear Material Safety and Safeguards 301-415-3451 E-mail: particia.cline-thomas@nrc.gov