1FINAL SUPPORTING STATEMENT
FOR
APPROVAL OF AMERICAN SOCIETY OF MECHANICAL ENGINEERS' CODE CASES
10 CFR 50.55a
FINAL RULE

(3150-0011)
REVISION

Description of the Information Collection

The NRC regulations in 10 CFR 50.55a incorporate by reference Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," and Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (B&PV Code); and the rules of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code). These rules of the ASME B&PV and OM Codes set forth the requirements to which nuclear power plant components are constructed, tested, repaired, and inspected. The ASME Codes contain information collection requirements that impose a recordkeeping and reporting burden for the plant owners.

In response to BPV and OM Code user requests, the ASME develops ASME Code Cases that provide alternatives to BPV and OM Code requirements under special circumstances. The NRC approves and/or mandates the use of the ASME BPV and OM Code in 10 CFR 50.55a through the process of incorporation by reference. As such, each provision of the ASME Codes incorporated by reference into, and mandated by, 10 CFR 50.55a constitutes a legally-binding NRC requirement imposed by rule. As noted previously, ASME Code Cases, for the most part, represent alternative approaches for complying with provisions of the ASME BPV and OM Codes.

The NRC periodically amends 10 CFR 50.55a to incorporate by reference NRC Regulatory Guides (RGs) listing approved ASME Code Cases that may be used as alternatives to the BPV Code and the OM Code.

This final rule is the latest in a series of rulemakings that incorporate by reference new versions of several RGs identifying new and revised unconditionally or conditionally acceptable ASME Code Cases that are approved for use. In developing these RGs, the NRC staff reviews ASME BPV and OM Code Cases, determines the acceptability of each Code Case, and publishes its findings in RGs. The RGs are revised periodically as new Code Cases are published by the ASME. The NRC incorporates by reference the RGs listing acceptable and conditionally acceptable ASME Code Cases into 10 CFR part 50.55a.

This final rule incorporates by reference the latest revisions of three previously incorporated regulatory guides (RGs) that list Code Cases, published by the ASME and approved by the Nuclear Regulatory Commission (NRC). These are RG 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," Revision 36; RG 1.147, Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," Revision 17; and RG 1.192, "Operation and Maintenance Code Acceptability, ASME OM Code", Revision 1. These revisions supersede the incorporation by reference of RG 1.84, Revision 35; RG 1.147, Revision 16; and RG 1.192, Revision 0.

The NRC believes that this regulatory action would improve the effectiveness of future licensing actions. This final action would allow licensees to apply the Code Cases listed in the RGs as alternatives to requirements in the ASME Boiler and Pressure Vessel Code (BPV Code) and ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) for the design, construction, inservice inspection (ISI), and inservice testing (IST) of nuclear power plant components without a request for the use of alternatives or an exemption. This would help ensure that NRC actions are effective, efficient, realistic, and timely by eliminating the need for the NRC review of plant specific requests for alternatives in accordance with the new § 50.55a(z).

A. JUSTIFICATION

1. Need For and Practical Utility of the Collection of Information

10 CFR 50.55a(z) allows applicants to use alternatives to the requirements of 10 CFR 50.55a paragraphs (c), (d), (e), (f), (g), and (h) when authorized by the NRC. Alternatives are voluntarily submitted by licensees under 50.55a(z), and are estimated to take 100 hours to prepare and submit. 50.55a(z) is an existing requirement that has been renumbered, and was previously located at 50.55a(a)(3).

The final rule incorporates by reference new Code Cases developed by the American Society of Mechanical Engineers (ASME). Code Cases developed by the ASME are alternatives to requirements of the ASME Boiler and Pressure Vessel Code (BPV) and Code for Operations and Maintenance of Nuclear Power Plants (OM Code) and often reflect improvements in technology, new information or improved procedures. Development of alternative request applications by licensee and obtaining NRC approval prior to using these Code Cases is burdensome to the licensee.

The incorporation by reference of approved code cases in latest revisions of three previously incorporated regulatory guides (RG 1.84, “Design, Fabrication, and Materials Code Case Acceptability, ASME Section III,” Revision 36; RG 1.147, Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,” Revision 17; and RG 1.192, “Operation and Maintenance Code Acceptability, ASME OM Code”, Revision 1) will reduce the number of alternative requests submitted by licensees under 10 CFR 50.55a(z), because use of these code cases will be permitted without the need for submission of an alternative request.

2. Agency Use of Information

The NRC ascertains use of only approved and conditionally approved ASME Code Cases by using the alternative request process or by incorporating the new Code Cases in RGs.

3. Reduction of Burden Through Information Technology

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its

licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. It is estimated that approximately 15% of the potential responses are filed electronically.

4. Effort to Identify Duplication and Use Similar Information

   No sources of similar information are available. There is no duplication of requirements. NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

   No small businesses are affected by this final rule.

6. Consequences to Federal Program or Policy Activities if the Collection Is Not Conducted or Is Conducted Less Frequently

   If the NRC did not periodically update and incorporate by reference the RGs' listing of acceptable, conditionally acceptable, or unacceptable for use and new Code Cases, licensees would be obligated to use the alternative request process if they wanted to use new ASME approved Code Cases. This process would be more burdensome on both the licensee and the NRC.

7. Circumstances Which Justify Variation from OMB Guidelines

   There are no variations from OMB guidelines.

8. Consultations Outside the NRC

   Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on June 24, 2013 (78 FR 37866). The NRC received seven comment letters on the draft regulatory guides and three general comments on the proposed rule, as described in the Federal Register Notice for the final rule. None of the comments addressed the information collections associated with this rule.

9. Payment or Gift to Respondents

   Not applicable.

10. Confidentiality of Information

    Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b). However, no information normally considered confidential or proprietary is requested.

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

This final rule allows licensees to apply the Code Cases listed in the RGs as alternatives to requirements in the ASME BPV Code and ASME OM Code without a request for the use of alternatives or an exemption. The NRC estimates that this action will result in a reduction in the number of plant specific requests for alternatives in accordance with § 50.55a(z)[1], because licensees can use alternatives such as ASME approved new Code Cases incorporated by reference in 50.55a without seeking NRC's prior approval.

The NRC estimates that each of the 105 nuclear power reactors would desire to implement two Code Cases per year; however, it is expected that licensees deciding whether relief should be sought would weigh this cost against the benefit to be derived. In some cases, licensees would decide to forfeit the benefits of using a Code Case due to the additional burden of preparing an alternative request. As a result, only eighty five percent of the Code Cases would be requested and implemented, or a total of 179 Code Cases (105 x 2 x 0.85 = 179).

The incorporation by reference of recent Code Cases will allow these 179 Code Cases to be implemented without incurring any burden for preparation of an alternative request under the new Section 50.55a(z). Each request for alternatives is estimated to take 80 hours; therefore, the resulting reduction in licensee burden is 14,320 hours (179 requests x 80 hours per request) and 179 responses annually, a savings of $3,923,680 (14,320 hours x $274/hr).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

As a result of the proposed action, the NRC would review 179 fewer requests for alternatives annually. The NRC estimates that reviewing these requests takes an average of 80 hours per request. As a result the NRC estimates that the incorporation by reference of new Code Cases will result in a savings of $3,932,680 (80 hrs/relief request x 179 requests x $274/hr).

The original cost to the Federal Government for Part 50, as submitted with the information collection renewal (ICR Reference number 201005-3150-001) was $90,839,119. The Emergency Preparedness Final Rule submitted to OMB in August 2011 (ICR Reference number 301108-3150-002) added $815,073. Therefore, the total cost to the Federal Government for Part 50 prior to this

[1] 50.55a(a) is not a new requirement, but a renumbering of the existing requirement previously in 50.55a(a)(3), which allows licensees to submit requests for alternatives.

rulemaking is $91,654,192. The proposed rule would reduce this to $87,721,512 ($91,654,192 - $3,932,680 = $87,721,512).

15. Reasons for Change in Burden or Cost

    The final rule would decrease the burden for Part 50 from 4,488,602 hours and 46,176 responses to 4,474,282 hours and 45,997 responses, a decrease of 14,320 hours and 179 responses.

    The final rule reduces burden by incorporating by reference recent ASME Code Cases. As a result of this incorporation by reference, burden on licensees to submit requests for alternatives under 50.55a(z) will be reduced. Licensees would no longer need to submit alternative requests in order to use these Code Cases, once they are included in NRC's Regulatory Guides.

16. Publication for Statistical Use

    Not applicable.

17. Reason for Not Displaying the Expiration Date

    The requirement is contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete, would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

    Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

    Not applicable.