

DRAFT 1SUPPORTING STATEMENT FOR  
INFORMATION COLLECTIONS CONTAINED IN  
APPROVAL OF AMERICAN SOCIETY OF  
MECHANICAL ENGINEERS' CODE CASES  
PROPOSED RULE

10 CFR PART 50

(3150-0011)

REVISION

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.55a incorporate by reference American Society of Mechanical Engineers (ASME) Codes for nuclear power plants. The NRC proposes to change the information collection requirements associated with those regulations as discussed in this supporting statement. The NRC expects a reduction in burden on respondents due to the use of ASME Code Cases as described below. The use of ASME Code Cases reduces the need for licensees to submit applications for the use of alternatives to the ASME Code requirements.

The NRC's regulations in § 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 (BPV Code); and the rules of the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code). These rules of the ASME BPV and OM Codes set forth the requirements to which nuclear power plant components are constructed, tested, repaired, and inspected. The NRC approves and/or mandates the use of the ASME BPV and OM Code in § 50.55a through the process of incorporation by reference. As such, each provision of the ASME Codes incorporated by reference into, and mandated by, § 50.55a constitutes a legally-binding NRC requirement imposed by regulation.

In response to BPV and OM Code user requests, the ASME develops ASME Code Cases that provide alternatives to ASME BPV and OM Code requirements under certain circumstances. The NRC reviews ASME BPV and OM Code Cases, determines the acceptability of each Code Case, and publishes its findings in NRC Regulatory Guides (RG). The RGs are revised periodically as new Code Cases are published by the ASME. The proposed rule associated with this supporting statement is the latest in a series of rulemakings that incorporate by reference new versions of the RGs into § 50.55a so they may be used by licensees. The RGs included in the proposed rule are RG 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," Revision 37; RG 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," Revision 18; and RG 1.192, "Operation and Maintenance Code Case Acceptability, ASME OM Code," Revision 2. These revisions supersede the incorporation by reference of RG 1.84, Revision 36; RG 1.147, Revision 17; and RG 1.192, Revision 1.

The NRC believes that this regulatory action would improve the effectiveness of future licensing actions. This action would allow licensees to apply the ASME Code Cases listed in the RGs as

alternatives to requirements in the ASME BPV Code and ASME OM Code for the design, construction, inservice inspection, and inservice testing 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 § 50.55a(z).

The proposed rule will result in a reduction in information collection burden due to a reduced number of alternative requests from industry to the NRC as described in this supporting statement.

## A. JUSTIFICATION

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

Section 50.55a(z) allows applicants to use alternatives to the requirements of § 50.55a paragraphs (b) through (h) when authorized by the NRC. Alternatives are voluntarily submitted by licensees under § 50.55a(z) and are estimated to take 380 hours to prepare and submit. Section 50.55a(z) is an existing requirement that was located at § 50.55a(a)(3) prior to 2014.

The proposed rule would incorporate by reference revised NRC RGs stating the acceptability of ASME Code Cases. Code Cases developed by the ASME are alternatives to requirements of the ASME BPV and OM Code and often reflect improvements in technology, new information, or improved procedures. Licensee development of alternative request applications and obtaining NRC approval prior to using these Code Cases is burdensome to the licensee.

The approval of ASME Code Cases in the latest revisions of three previously incorporated RGs will reduce the number of alternative requests submitted by licensees under § 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. The 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 percent 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. The 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 the proposed 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 acceptable, conditionally acceptable, or unacceptable 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 March 2, 2016 (81 FR 10780). The NRC received seven comment letters during the comment period. None of the comments impacted the information collection. Also, a public meeting was held on March 2, 2016, to discuss the incorporation by reference of the ASME codes including the change in the information collection. No comments on the information collection were received during the public meeting.

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

The proposed rule would allow 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 an alternative 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), because licensees can use alternatives such as ASME approved new Code Cases incorporated by reference in § 50.55a without seeking NRC's prior approval.

A review of past Code Case alternative request submittals has determined that plant owners submit a Code Case alternative request that covers multiple units and multiple plant sites. The NRC estimates that licensees would desire to implement 45 Code Cases that have not been generically approved by the NRC per year; however, it is expected that, in deciding whether relief should be sought, licensees would weigh the cost of obtaining approval 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 85 percent of the Code Cases would be requested and implemented, or a total of 38 Code Cases ( $45 \times 0.85 = 38.25$ ).

The incorporation by reference of the revised RGs will allow these Code Cases to be implemented without incurring any burden for preparation of an alternative request under § 50.55a(z). In total, approximately 320 alternative requests are made; the incorporation by reference of these Code Cases would eliminate the need for 38 of them. Each request for alternatives is estimated to take 380 hours; therefore, the resulting reduction in licensee burden is 14,440 hours ( $38 \text{ requests} \times 380 \text{ hours per request}$ ) and 38 responses annually, a savings of \$3,869,920 ( $14,440 \text{ hours} \times \$268/\text{hr}$ ).

## 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 38 fewer requests for alternatives annually. The NRC estimates that reviewing these requests takes an average of 120 hours per request. As a result the NRC estimates that the incorporation by reference of new RGs will result in a savings of \$1,222,080 ( $120 \text{ hrs/alternative request} \times 38 \text{ requests} \times \$268/\text{hr}$ ).

## 15. Reasons for Change in Burden or Cost

The proposed rule would decrease the burden for Part 50 from 4,382,153 hours and 45,202 responses to 4,367,713 hours and 45,164 responses, a reduction of 14,440 hours and 38 responses.

The proposed rule would reduce burden by incorporating by reference revised NRC RGs that provide NRC approval to use certain 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 approved in NRC's RGs.

The NRC previously estimated that the burden to prepare and submit an alternative to the NRC for authorization was 80 hours per alternative. However, a review of such requests submitted to the NRC over the last 5 years identified that these submittals ranged from a few pages to several hundred pages with an average of approximately 32 pages with average technical complexity. Therefore, the NRC estimates that a request requires an average of 300 hours of effort to develop the technical justification and an additional 80 hours to perform research, review, approve, process, and submit the document to the NRC for use of alternatives under 10 CFR 50.55a(z). Therefore, the revised total estimated burden is 380 hours per request.

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.