

*Draft of 02/20/02*  
**PROPOSED**  
**REVISED APPROVAL PROCESS FOR INCORPORATING**  
**DEVELOPED CODE CASES**  
**(RAPID CODE CASES)**

**REGULATORY BASIS:**

The American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code Committee publishes a document entitled "Code Cases". Generally, the individual Code Cases that have been developed for this document explain the intent of Code rules or provide for alternative requirements under special circumstances. Most developed Code Cases are eventually subsumed into the Code through a revision, and the Code Case itself annulled. In such cases, the intent of the annulled Code Case becomes part of the revised Code, and therefore continued use of the Code Case is sanctioned under the rules of the Code.

Footnote 6 to 10 CFR 50.55a states that the use of specific ASME Code Cases may be authorized by the NRC staff upon request pursuant to 10 CFR 50.55a(a)(3), which requires that proposed alternatives to the described requirements or portions thereof provide an acceptable level of quality and safety. The use of a specific Code Case may be approved on an individual plant basis by the NRC staff in response to a licensee's request, or authorized generically by the NRC staff by publication in Regulatory Guides<sup>1</sup> 1.84, 1.85, or 1.147. An individual plant approval requires the licensee to submit a relief request and obtain NRC staff approval, while a generic authorization allows a licensee to use the Code Case without further NRC staff approval.

**ISSUE:**

The NRC cycle for publishing authorization of a Code Case for generic use in Regulatory Guides 1.84, 1.85, and 1.147 is highly variable (for example, RG 1.85 Revision 30 was published in October 1994 and Revision 31 in May 1999). In the interim, different licensees applying for use of the same Code Case determined as suitable for use by the NRC staff, but not yet published in the Regulatory Guide, must be handled on an individual basis as a relief request pursuant to 10 CFR 50.55a(a)(3). Improving the efficiency of a licensing-action process that affects both licensees and the NRC staff presents an excellent opportunity for burden reduction.

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<sup>1</sup> On September 22, 1999, the NRC endorsed (64 FR 51370) the ASME Operation and Maintenance (OM) Code that is replacing the ASME Code Section XI inservice testing requirements for nuclear power plant pumps and valves. With this endorsement, the NRC is developing a new regulatory guide for acceptance of ASME OM Code Cases (Draft Regulatory Guide DG-1089, "Operation and Maintenance Code Case Acceptability, ASME OM Code").

## **RECOMMENDATIONS:**

### **Short-Term:**

**Option A.** Following the NRC staff approval of a Code Case that has generic applicability, the NRC staff would publish a Federal Register Notice notifying the public of the NRC's acceptance of the use of the Code Case and any limitations and conditions, and incorporate the Code Case into the appropriate living Regulatory Guide maintained on the NRC's web page. Licensees could then use the Code Case without further NRC approval.<sup>2</sup>

**Option B.** Following the NRC staff approval of a Code Case that has generic applicability, the NRC staff would publish a Federal Register Notice to notify the public of the NRC's acceptance of the use of the Code Case and any limitations and conditions, and provide the supporting generic safety evaluation. This notice would also announce the opportunity for licensees seeking expedited NRC approval of the Code Case to submit a brief relief request citing the notice, confirming the applicability of the supporting safety evaluation, and committing to the limitations and conditions. The NRC staff would then issue approved relief requests citing conformance of the licensee to the Code Case. This would be analogous to the Consolidated Line Item Improvement Process (CLIIP) that may be used by the NRC to process generic License Amendments.

**Parallel Effort:** Immediately revise 10 CFR 50.55a to eliminate the need to have the Code Cases listed in the Regulatory Guides before they could be used generically. Use another means to notify licensees and the public that the NRC staff has found the Code Case acceptable for use, such as issuing a Regulatory Issue Summary.

### **BENEFITS REALIZED:**

Code Cases that had been approved generically by the NRC staff would be available for licensee use more rapidly than the present Regulatory Guide publishing process. This would reduce the burden on licensee staffs to prepare extensive ASME Code Relief Requests due to unpublished Code Cases, and reduce the burden on NRC staff resources to process these types of Relief Requests.

Another benefit would be the more rapid communication to licensees and the public of those Code Cases that the NRC staff had determined to be suitable for use.

Issuing the Code Cases one or two at a time, in lieu of a large package, as is done with the draft regulatory guide revisions, would also afford a better opportunity for public participation.

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<sup>2</sup> The acceptability of this option will depend on NRC's legal interpretation of 10 CFR 50.55a, Footnote 6 (see the Introduction to Draft Regulatory Guide DG-1091, proposed Revision 13 of Regulatory Guide 1.147).