

The Honorable Joe Barton, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Nuclear Regulatory Commission (NRC) has forwarded to the Office of the Federal Register the enclosed *Federal Register* notice amending § 50.55a to incorporate by reference three regulatory guides addressing NRC approval of American Society of Mechanical Engineers (ASME) Code cases. Section 50.55a requires that nuclear power plant licensees follow those ASME *Boiler and Pressure Vessel Code* requirements which pertain to nuclear power plants, as well as requirements in the ASME *Code for Operation and Maintenance of Nuclear Power Plants*. The ASME also publishes Code cases which provide alternatives to various Code requirements. The NRC reviews these Code cases, determines whether they are acceptable alternatives to the Code requirements, and publishes regulatory guides which list acceptable Code cases along with any necessary modifications and conditions. This rulemaking incorporates these regulatory guides by reference, thus allowing NRC licensees to implement these Code cases without seeking prior NRC approval. Because Code cases are alternatives to the provisions in NRC regulations and not interpretations, the NRC is required to incorporate them into its regulations in order to comply with the public notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 551, et seq).

Sincerely,

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: *Federal Register* Notice

cc: Representative Rick Boucher

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The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change,  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

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