

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

10 CFR PART 50

(RIN-3150-AJ94)

Description of the Information Collection

The U.S. Nuclear Regulatory Commission (NRC) regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a, “Codes and standards,” incorporate by reference the 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 the use of ASME Code Cases to reduce the burden on respondents, as described below. The use of ASME Code Cases reduces the need for licensees to submit licensing actions for the use of voluntary alternatives to the ASME code requirements.

The NRC’s 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 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 state the requirements to which nuclear power plant components are constructed, tested, repaired, and inspected. This rule contains requirements that would result in collections of information that represent a recordkeeping and reporting burden for licensees.

The NRC approves or mandates the use of the ASME BPV and OM Codes in 10 CFR 50.55a through the process of incorporation by reference. This means that 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 regulation.

In response to BPV and OM Code user requests, the ASME develops Code Cases that provide voluntary 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 (RGs). The NRC revises RGs periodically as the ASME publishes new Code Cases. 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 10 CFR 50.55a, so that licensees may use them. The RGs the NRC proposes to incorporate by reference into the regulations are RG 1.84, “Design, Fabrication, and Materials Code Case Acceptability, ASME Section III,” Revision 39; RG 1.147, “Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,” Revision 20; and RG 1.192, “Operation and Maintenance Code Acceptability, ASME OM Code,” Revision 4. These revisions supersede the incorporation by reference of RG 1.84, Revision 38; RG 1.147, Revision 19; and RG 1.192, Revision 3 (all issued October 2019).

The NRC determined that this regulatory action would improve the effectiveness of future licensing actions. This proposed action would allow licensees to apply the ASME Code Cases listed in the RGs as voluntary 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 10 CFR 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

The regulation at 10 CFR 50.55a(z) allows applicants to use alternatives to the requirements of 10 CFR 50.55a(b) through (h), when authorized by the NRC. Licensees voluntarily submit alternatives under 10 CFR 50.55a(z) and are estimated to spend 230 hours to prepare and submit them. Before 2014, 10 CFR 50.55a(z) was located at 10 CFR 50.55a(a)(3).

The proposed rule would incorporate by reference revised NRC RGs stating the acceptability of certain ASME Code Cases. Code Cases developed by the ASME are voluntary alternatives to requirements of the ASME BPV and OM Code and often reflect improvements in technology, new information, or improved procedures. Before the use of these Code Cases, developing alternative request applications and obtaining NRC approval were burdensome processes for the licensee.

The approval of ASME Code Cases in the latest revisions of three previously incorporated RGs would reduce the number of alternative requests submitted by licensees under 10 CFR 50.55a(z), because the NRC permits the use of these Code Cases without the need for submission of an alternative request.

2. Agency Use of Information

The records are generally historical in nature and provide data on which future activities can be based. The practical utility of the information collection for the NRC is that appropriate records are available for auditing by NRC personnel to determine licensees' and applicants' use of the Code Cases listed in the RGs as voluntary alternatives to engineering standards for the construction, inservice inspection, and inservice testing of nuclear power plant components.

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.

The NRC has issued "[Guidance for Electronic Submissions to the NRC](#)," which provides directions for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished through the following avenues: the Electronic Information Exchange process, which is available from the NRC's "[Electronic Submittals](#)" [Web page](#), or by optical storage media (e.g., CD-ROM, DVD), facsimile, or e-mail. The agency estimates that approximately 15 percent of the 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 unnecessary information collections.

5. Effort to Reduce Small Business Burden

This proposed rule affects no small businesses.

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 for both the licensees and the NRC.

7. Circumstances that Justify Variation from Office of Management and Budget Guidelines

There are no variations from Office of Management and Budget (OMB) guidelines.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements has been published in the *Federal Register*.

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 proposed rule would allow licensees to apply the Code Cases listed in the RGs as voluntary 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 10 CFR 50.55a(z), because licensees can use alternatives such as ASME-approved new Code Cases incorporated by reference in 10 CFR 50.55a without seeking the 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. Based on annual Code Case relief request submissions before and after ASME final rules are published, the staff estimated that if the proposed rule is not adopted, operating sites would submit 28 relief requests annually for the Code Cases in this proposed rule.

The incorporation by reference of recent Code Cases will allow these Code Cases to be implemented without incurring any burden for preparation of an alternative request under 10 CFR 50.55a(z). Each request for alternatives is estimated to take 230 hours; therefore, the resulting reduction in licensee burden is 6,440 hours (28 requests x 230 hours per request), a savings to the licensee of \$1,796,760 (6,440 hours x \$279/hour), and 28 responses annually. There is a decrease in annualized recordkeeping burden due to the reduction in alternative and relief requests. The annualized recordkeeping burden is estimated to decrease by 280 hours (\$78,120). Tables 1 and 2 on page 7 of this supporting statement show the burden estimates.

The \$279 hourly rate used in the burden estimates is based on the NRC's fee for hourly rates as noted in 10 CFR 170.20, "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2020 (85 FR 37250; June 19, 2020).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The staff has estimated the annualized costs to the Federal Government for the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden of reviewing, analyzing, and processing the collected information and any relevant operational expenses.

As a result of the final action, the NRC would review 28 fewer requests for alternatives annually. The NRC estimates that reviewing these requests takes an average of 115 hours per request. As a result, the NRC estimates that the incorporation by reference of new Code Cases will result in a savings of \$898,380 (115 hours/request x 28 requests x \$279/hour). Table 3 on page 8 of this supporting statement shows the burden estimate.

The current annualized cost to the Federal Government for 10 CFR Part 50, "Domestic licensing of production and utilization facilities," is \$62,767,622. The total annualized cost to the Government for 10 CFR Part 50 will be \$61,869,242 (\$62,767,622 - \$898,380 = \$61,869,242).

15. Reasons for Change in Burden or Cost

The proposed rule would decrease the burden for 10 CFR Part 50 from 3,710,882 hours and 43,617 responses to 3,704,162 hours and 43,589 responses, a reduction of 6,720 hours and 28 responses.

The proposed rule reduces burden by incorporating by reference recent ASME Code Cases. This incorporation by reference will reduce the burden on licensees to submit requests for alternatives under 10 CFR 50.55a(z). Licensees would no longer need to submit alternative requests to use these Code Cases, once they are included in the NRC's RGs.

The NRC previously estimated that the burden to prepare and submit an alternative to the NRC for authorization was 380 hours per alternative and 143 hours for the NRC to perform each technical review. A recent review of Code Case alternative requests submitted to the NRC over the last 5-year span found that submittals ranged from a few pages to several hundred pages, with an average of approximately 32 pages. However, the burden hours have been reduced as requests have become less complex to review over time. Therefore, the NRC estimates that a request requires an average of 150 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 for estimated burden is 230 hours per request. In the same manner, the NRC revised total for estimating the burden to perform the technical review (including resolving technical issues), document the evaluation, and respond to the licensee's request is 115 hours per request.

16. Publication for Statistical Use

Not applicable.

17. Reason for Not Displaying the Expiration Date

The recordkeeping and reporting requirements for this information collection are associated with regulations and are not submitted on instruments such as forms or surveys. For this reason, there are no data instruments on which to display an OMB expiration date. Further, amending the regulatory text of the CFR 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.

TABLE 1 ANNUALIZED RECURRING REPORTING BURDEN

Information Collection Section	Number of Respondents	Number of Responses per Respondent	Number of Responses	Burden Hours per Response	Total Reporting Burden (hr)	Cost @ \$279/hr
<u>10 CFR 50.55a(z)</u> Averted alternative requests submitted by power reactor plants	28	-1	-28	230	-6,440	-\$1,796,760

TABLE 2 ANNUALIZED RECURRING RECORDKEEPING BURDEN

Information Collection Section	Number of Recordkeepers	Number of Records per Recordkeeper	Number of Records	Burden Hours per Record	Total Recordkeeping Burden (hr)	Cost @ \$279/hr
<u>10 CFR 50.55a(z)</u> Records for Code alternative request preparation and submission	28	-1	-28	10	-280	-\$78,120

Total Industry Burden Hours	-6,720
Total Industry Burden Hour Cost	-\$1,874,880
Annual Potential Respondents	28
Responses	-28

TABLE 3 ANNUALIZED RECURRING NRC REVIEW BURDEN

Information Collection Section	Number of Respondents	Number of Responses per Respondent	Number of Responses	Burden Hours per Response	Total Annual Reporting Burden (hr)	Cost @ \$279/hr
<u>10 CFR 50.55a(z)</u> Averted reviews of code alternative requests	28	-1	-28	115	-3,220	-898,380

Total NRC Burden Hours	-3,220
Total NRC Burden Hour Cost	-\$898,380