

until the end of its 120-month ISI/IST interval or until it updates its construction Code of Record, unless the NRC specifically prohibits its continued use by modifying the RG or 10 CFR 50.55a and performing a backfit analysis in accordance with the provisions in 10 CFR 50.109.

In the proposed rule, §§ 50.55a(i)(2)(iv), (i)(3)(iv), and (i)(4)(iv) contained language implying that § 50.55a or the RGs could specifically prohibit the use of annulled Code cases. As noted in the Response to Comment 11, this language is unnecessary and has been removed in the final rule.

#### 2. Paragraphs 50.55a(c)(3), (d)(2), and (e)(2)

Current references to Footnote 6 in §§ 50.55a(c)(3), (d)(2), and (e)(2) have been removed, and text has been added to indicate that the optional ASME Code cases referred to are those listed in the RGs that are incorporated by reference in § 50.55a(b).

#### 3. Paragraphs 50.55a(f)(2), (f)(3)(iii)(A), (f)(3)(iv)(A), (g)(2), (g)(3)(i), and (g)(3)(ii)

Currently, §§ 50.55a(f)(2), (f)(3)(iii)(A), (f)(3)(iv)(A), (g)(2), (g)(3)(i), and (g)(3)(ii) do not specifically mention ASME Code cases but have a reference to Footnote 6. These references to Footnote 6 have been removed and text has been added

to indicate that the optional ASME Code cases referred to are those listed in the RGs that are incorporated by reference in § 50.55a(b).

#### 4. Paragraphs 50.55a(f)(3)(iii)(B), (f)(3)(iv)(B), (f)(4)(i), (f)(4)(ii), (g)(4)(i), and (g)(4)(ii)

Sections 50.55a(f)(3)(iii)(B), (f)(3)(iv)(B), (f)(4)(i), (f)(4)(ii), (g)(4)(i), and (g)(4)(ii) have been amended to indicate that the ASME Code cases listed in the RGs that are incorporated by reference in § 50.55a may be applied in lieu of corresponding ASME BPV or OM Code requirements.

#### 5. Footnote 6, 10 CFR 50.55a

Footnote 6 has been removed from § 50.55a and the footnote number has been reserved. Footnote 6 to § 50.55a formerly stated that ASME Code cases suitable for use are listed in RGs 1.84, 1.85, and 1.147. These Code cases are now approved for use by specific language in §§ 50.55a(c)(3), (d)(2), (e)(2), (f)(2), (f)(3)(iii)(A), (f)(3)(iii)(B), (f)(3)(iv)(A), (f)(3)(iv)(B), (f)(4)(i), (f)(4)(ii), (g)(2), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(4)(ii). Footnote 6 also stated that the use of other Code cases may be authorized by the Director of the Office of Nuclear Reactor Regulation upon request pursuant to § 50.55a(a)(3). This text is being removed because it is unnecessary; licensees continue to have

the option of requesting approval to use Code cases not incorporated by reference into § 50.55a under § 50.55a(a)(3).

#### Availability of Documents

The NRC is making the documents identified below available to interested persons through one or more of the following:

*Public Document Room (PDR).* The NRC Public Document Room is located at 11555 Rockville Pike, Public File Area O-1 F21, Rockville, Maryland.

*Rulemaking Web site.* The NRC's interactive rulemaking Web site is located at <http://ruleforum.nrl.gov>. The documents may be viewed and downloaded electronically via this Web site.

*The NRC's Public Electronic Reading Room (PERR).* The NRC's public electronic Reading Room is located at <http://www.nrc.gov/reading-rm.html>.

*The NRC staff contact (NRC Staff).* Single copies of the final rule, the regulatory analysis, the environmental assessment, and the regulatory guides may be obtained from Harry S. Tovmassian, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Alternatively, you may contact Mr. Tovmassian at (301) 415-3092 or via e-mail to: [hst@nrc.gov](mailto:hst@nrc.gov).

Document	PDR	Web	PERR	NRC staff
Environmental Assessment .....	x	x	ML030690244	x
Regulatory Analysis .....	x	x	ML031490533	x
Regulatory Guide 1.192 .....	x		ML030730430	x
Regulatory Guide 1.84, Revision 32 .....	x		ML030730417	x
Regulatory Guide 1.147, Revisions 0 to 12 .....	x		ML031560264	x
Regulatory Guide 1.147, Revision 13 .....	x		ML030730423	x
Regulatory Guide 1.193 .....	x		ML030730440	x
Resolution of Public Comments on Guides .....	x		ML030730448	x

#### Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104-113, requires agencies to use technical standards developed or adopted by voluntary consensus standards bodies unless the use of such standards is inconsistent with applicable law or is otherwise impractical. The NRC is amending its regulations to incorporate by reference regulatory guides that list ASME BPV and OM Code cases which have been approved by the NRC. ASME Code cases, which are ASME-approved alternatives to the provisions of ASME Code editions and addenda, constitute national consensus standards, as defined in Public Law 104-113 and OMB Circular A-119. They are

developed by bodies whose members (including the NRC and utilities) have broad and varied interests.

These statements of consideration provide the reasons for modifying or limiting the applicability of ASME Code cases otherwise approved for use by the NRC as alternatives to current ASME Code provisions incorporated by reference into § 50.55a. The treatment of ASME BPV and OM Code cases, and modifications and conditions placed on them, in this final rule does not conflict with any policy on agency use of consensus standards specified in OMB Circular A-119.

#### Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment, and, therefore, an environmental impact statement is not required.

This rulemaking will not significantly increase the probability or consequences of accidents; no changes are being made in the types of effluents that may be released off site; and there is no significant increase in public radiation exposure. Therefore, there are no significant environmental impacts