

November 15, 2002

Dr. Belinda L. Collins, Chair
Interagency Committee on Standards Policy
National Institute of Standards and Technology
100 Bureau Drive
Bldg. 820, Room 282
Gaithersburg, MD 20899-2100

Dear Dr. Collins:

Enclosed is the Nuclear Regulatory Commission's annual report on its participation in the development and use of voluntary consensus standards as required by OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities." The annual report covers the period October 1, 2001, through September 30, 2002. This report has also been transmitted to you by e-mail.

If you have any questions concerning the enclosed report, please contact Wallace E. Norris, of my staff, at (301) 415-6796 or at wen@nrc.gov.

Sincerely,

/RA/

Michael E. Mayfield
NRC Standards Executive

Enclosure: As stated

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Doc. Name:ML023220174.wpd

OAD in ADAMS? (Y or N) Y

ADAMS ACCESSION NO: ML023220174

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RES File Code 5-A-11

**U.S. Nuclear Regulatory Commission
Annual Report for
Implementation of P.L. 104-113 and OMB Circular A-119
October 1, 2001 - September 30, 2002**

The Nuclear Regulatory Commission (NRC) has been an active participant in the development and use of consensus standards since its establishment in 1975. The agency developed guidance in 1997 to increase its focus and emphasis on interacting with both industry groups and professional societies to develop new codes and standards needed to support efficient, effective, and consistent performance of industry activities important to safety. Consistent with Public Law 104-113, "National Technology Transfer and Advancement Act of 1995" (P. L. 104-113), the NRC encourages industry to develop codes, standards, and guides that NRC can endorse and the industry can carry out, and the NRC has taken steps to increase the involvement of licensees and others in the NRC regulatory process.

In FY 2002, NRC took several actions to increase the effectiveness and efficiency of our process for implementing P. L. 104-113 and OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities." On February 20, 2002, NRC staff met with representatives from the standards development organizations (SDOs) who provide codes and standards for the nuclear industry. The NRC has been hosting these meetings on a semi-annual basis. The purpose of these meetings is to foster better communication and discuss standards under development, current needs, and priorities. The SDOs that the Department of Energy (DOE) interacts with are, in many cases, the same as the NRC, and the two agencies have begun co-hosting these meetings. This joint format has proved to be of such benefit that the National Institute for Standards and Technology (NIST), who has been a participant, increased its role by hosting the July 25, 2002, meeting. The next meeting has been scheduled for February 2003.

Consistent with NRC Management Directive 6.5, "NRC Participation in the Development and Use of Consensus Standards," which was created to provide direction to the NRC staff for implementing P. L. 104-113 and OMB Circular A-119, web-based training has been developed for NRC staff connected with the use of standards. The purpose of the training is to explain the requirements of P. L. 104-113 and OMB Circular A-119 in detail and provide guidance to the NRC staff relative to organizational responsibilities. All NRC staff involved in the development and use of standards and cognizant management took this training in FY2002.

The NRC website [<http://www.nrc.gov/what-we-do/regulatory/standards-dev/sdo-comm.html>], contains, among other things, the SDOs with which the agency interfaces, consensus standards used by the NRC, and NRC staff representatives on SDO committees.

The NRC response to the reporting provisions of OMB Circular A-119 is as follows:

- 1) Identification of all instances when the agency used government-unique standards in lieu of voluntary consensus standards (for each instance include agency rationale for such use, as well as the specific government-unique standard used).

During FY 2002, no government-unique standards were used by NRC in lieu of existing voluntary consensus standards.

- 2) The number of voluntary standards the agency adopted between October 1, 2001, and September 30, 2002, based on the procedures set forth in Sections 11 and 12 of the Circular.

A. Standards adopted

During this reporting period, the NRC adopted eight American Society of Mechanical Engineers (ASME) Codes. It should be noted that standards which have not been generically approved for use by all licensees have not been listed (i.e., when one licensee requests permission and receives regulatory approval to use a specific standard).

B. Identify those instances where, consistent with interim guidance, requests were made in proposed rulemaking for public comment on the use of consensus standards or information was provided in the final rulemaking regarding public comment on the use of consensus standards.

Information regarding public comment on the use of consensus standards was provided in the following proposed rulemaking: "10 CFR Part 50, "Industry Codes and Standards," 66 FR 40626, August 3, 2001.

- 3) Identification of voluntary consensus standards that have been substituted for government-unique standards as a result of an agency review under Section 15(b)(7) of the Circular.

No voluntary consensus standards were substituted by NRC for a government-unique standard in FY 2002.

- 4) The number of voluntary consensus standards bodies in which there is agency participation, as well as the number of agency employees participating.

During FY 2002, 144 NRC staff participated within 15 SDOs on a total of 488 standards writing, consensus, and board-level committees.

- 5) An evaluation of the effectiveness of Circular A-119 policy and recommendations for any changes.

The policy guidelines provided in OMB Circular A-119 for participating in voluntary consensus standards bodies and using voluntary consensus standards are generally consistent with longstanding NRC practices. The NRC staff believes that these guidelines provide appropriate direction and encouragement for Federal agencies to develop internal agency-wide guidelines to implement P. L. 104-113 and OMB Circular A-119. These guidelines also provide sufficient and reasonable flexibility for each agency to make an independent case-by-case determination as to the usability of a particular standard within that agency's scope and responsibility.

**Standards Endorsed by NRC
October 1, 2001 - September 30, 2002**

SDO¹	Standard Identifier	Year	Title	Method of Endorsement²
ASME	BPV	1997	ASME Boiler and Pressure Vessel Code	Regulation
ASME	BPV	1998	ASME Boiler and Pressure Vessel Code	Regulation
ASME	BPV	1999	ASME Boiler and Pressure Vessel Code	Regulation
ASME	BPV	2000	ASME Boiler and Pressure Vessel Code	Regulation
ASME	OM	1997	Code for Operation and Maintenance of Nuclear Power Plants	Regulation
ASME	OM	1998	Code for Operation and Maintenance of Nuclear Power Plants	Regulation
ASME	OM	1999	Code for Operation and Maintenance of Nuclear Power Plants	Regulation
ASME	OM	2000	Code for Operation and Maintenance of Nuclear Power Plants	Regulation

1. SDO: Standards Developing Organization
ASME: American Society of Mechanical Engineers
2. Amendment to 10 CFR 50.55a (67 FR 60520; September 26, 2002)