



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 28, 2012

Dr. Michael Corradini, President  
American Nuclear Society  
555 North Kensington Avenue  
La Grange Park, IL 60526-5592

SUBJECT: RESPONSE TO THE AMERICAN NUCLEAR SOCIETY'S LETTER ON THE  
U.S. NUCLEAR REGULATORY COMMISSION PRESS RELEASE, NO. 12-064

Dear Dr. Corradini: *Mike,*

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 2, 2012, where you recommend that the NRC give a high-priority to enabling the appropriate nuclear Standards Development Organizations (SDOs) to convert the technical content of four Nuclear Energy Institute and Electric Power Research Institute documents into national consensus standards. In addition, you suggest that the Nuclear Energy Standards Coordination Collaborative (NESCC) be used as the forum to pursue the aforementioned conversions to consensus standards.

The NRC is supportive of the development of consensus standards by SDOs. The NRC has a long history of using consensus standards in lieu of NRC-developed regulations, known as government-unique standards, under the National Technology Transfer and Advancement Act. Among these standards are the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for the design and construction of piping systems, the Institute of Electrical and Electronics Engineers 603 Code for the design of instrumentation and control systems, and National Fire Protection Association 805 Code on risk-informed fire protection. In addition, the NRC often relies on consensus standards to provide guidance on acceptable approaches for complying with NRC requirements, typically for endorsing standards in documents such as Regulatory Guides.

As you discussed, the Commission approved a set of activities for addressing lessons learned from the Fukushima Dai-ichi accident. These are classified as Tier 1, 2, and 3, level activities. The Tier 1 activities were considered the highest priority and action has been taken to begin implementation of each of the Tier 1 items. On July 13, 2012, the NRC issued SECY-12-0095, "Tier 3 Program Plans and 6-Month Status Update in Response to Lessons Learned from Japan's March 11, 2011, Great Tohoku Earthquake and Subsequent Tsunami" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12165A089), which provides a summary of how Tier 1, 2, and 3 activities are or will be addressed. SECY-12-0095 may be found on the NRC's public website at <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2012/>.

The four documents recommended in your letter to be converted into consensus standards, are all related to Tier 1 activities. The NRC staff is concerned that a consensus standard may not offer substantial near-term regulatory value to the Tier 1 and Tier 2 activities because these are "one-time" activities rather than activities that the NRC would normally require to be conducted on a recurring or as-needed basis. In addition, given the Commission-directed schedule for completion of the Tier 1 activities (from Staff Requirements Memorandum to SECY-11-0124,

"Recommended Actions To Be Taken Without Delay From the Near-Term Task Force Report," ADAMS Accession No. ML112911571), it is unlikely that a consensus standard could be developed in sufficient time to be of use in Tier 1 activity implementation.

However, the NRC staff believes there is a greater opportunity for SDOs to develop consensus standards that would be of regulatory benefit for the Tier 3 activities. To support these activities, a consensus standard would need to be developed on a schedule consistent with the Tier 3 schedules in SECY-12-0095. The schedule must include sufficient time for the NRC to endorse the standard (ordinarily through "notice and comment rulemaking") in support of the Tier 3 schedules.

While the American Nuclear Society (ANS) and other SDOs have expressed interest in developing standards in support of NRC actions in response to the Fukushima Dai-ichi nuclear accident, some external NRC stakeholders may have differing views with respect to the NRC's reliance on consensus standards. Therefore, any potential use of consensus standards addressing Fukushima Dai-ichi lessons-learned should be discussed in a public process open to all NRC external stakeholders. The NRC is considering holding a public meeting as early as December 2012, for the purpose of assessing whether any SDOs are interested in developing consensus standards that address Fukushima Dai-ichi lessons-learned, and to determine which lessons learned activities would be appropriate and desirable. We would welcome the ANS's views as to whether such a meeting would be useful.

In light of the Commission-directed schedule on Fukushima Dai-ichi lessons-learned activities, the staff requests ANS's views on our proposal by November 2, 2012, if possible. This timely response would allow the NRC to schedule a meeting and consider any information received at the meeting in sufficient time to inform NRC staff decisions on the path forward for Tier 3 items.

The NRC notes that – apart from any NRC approval of, or participation in, SDO activities to develop consensus standards addressing Fukushima Dai-ichi lessons-learned – any SDO may independently develop a consensus standard to address any SDO-perceived need. Following the SDO adoption of that standard, the SDO may present the standard to the NRC for regulatory use, or independently seek industry action to voluntarily comply with the standard.

Thank you for your interest in supporting development of consensus standards for ongoing NRC activities. I look forward to further interactions with ANS on issues related to nuclear safety.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Skeen". The signature is fluid and cursive, with the first name "David" being the most prominent.

David L. Skeen, Director  
Japan Lessons-Learned Project Directorate  
Office of Nuclear Reactor Regulation

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*/RA/*

David L. Skeen, Director  
Japan Lessons-Learned Project Directorate  
Office of Nuclear Reactor Regulation

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**ADAMS Accession No.:** ML12229A354

\*Concurrence via e-mail

<b>OFFICE</b>	NRR/JLD/PSB	NRR/DORL/LA	NRR/JLD/PSB	OGC	RES/DE*	NRR/JLD
<b>NAME</b>	BMiller	SRohrer	WReckley	GMizuno for BJones	MCase	DSkeen
<b>DATE</b>	09/18/2012	09/18/2012	09/19/2012	09/19/2012	09/25/2012	09/28/2012