

C.2.10 Applicability of Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104-113) requires all Federal agencies to (i) consult with voluntary consensus standards bodies; (ii) participate with voluntary consensus bodies in the development of consensus standards when such participation is in the public interest, compatible with agency missions, authorities, priorities and budget resources; and (iii) use consensus standards as a means to carry out an agency's policy objectives or activities unless such use is inconsistent with applicable law or is impractical. The Office of Management and Budget (OMB) issued Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities," which provides guidance to Federal agencies on compliance with the NTTAA.

NRC Management Directive (MD) 6.5, "NRC Participation in the Development and Use of Consensus Standards," (ADAMS Accession # ML100600460) provides the NRC position on OMB Circular No. A-119. MD 6.5 describes the NRC policy to (i) be involved with all interested stakeholders in the NRC's regulatory development processes, (ii) participate in the development of consensus standards that support the NRC's mission, and (iii) use consensus standards developed by voluntary consensus bodies consistent with the NTTAA provisions. The objectives of the NRC policy on its participation in the development and use of consensus standards include (i) promoting the efficient and effective use of NRC resources by focusing staff participation on the development of standards that address a defined current or anticipated regulatory need, (ii) implementing the NTTAA and OM Circular No. A-119, and (iii) monitoring and assessing internal performance indicators to ensure efficient and effective staff involvement in the development and use of consensus standards needed in NRC program offices. The NRC reserves the right to apply conditions on the use of consensus standards that it uses in its regulatory process. The NRC staff follows this management directive in applying consensus standards in its regulatory activities.

The NRC applies the use of consensus standards in numerous aspects of its regulatory activities to promote their efficiency and effectiveness. The NRC incorporates by reference consensus standards in the *Code of Federal Regulations* such that those standards become equivalent to the NRC regulations. For example, the NRC incorporates by reference the *ASME Boiler and Pressure Vessel Code* and the *ASME Code for Operational and Maintenance of Nuclear Power Plants* in 10 CFR 50.55a. In addition, the NRC accepts the use of consensus standards in various regulatory guidance documents, such as regulatory guides, regulatory issue summaries, NUREGs, and standard review plans. For example, in Regulatory Guide (RG) 1.100 (Revision 3), "Seismic Qualification of Electrical and Active Mechanical Equipment and Functional Qualification of Active Mechanical Equipment for Nuclear Power Plants," the NRC accepts ASME Standard QME-1-2007, "Qualification of Active Mechanical Equipment Used in Nuclear Power Plants," with regulatory positions. In Regulatory Issue Summary 2007-06, "Regulatory Guide 1.200 Implementation," the NRC staff discusses the use of Probabilistic Risk Assessment (PRA) standards. RG 1.200 (Revision 2), "An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities," provides more specific guidance on the use of consensus PRA standards.

Where a COL applicant intends to apply a standard that has not received acceptance in the NRC regulations or regulatory guidance documents, the COL applicant will be responsible for providing justification for the acceptability of the standard as part of its COL application. The NRC staff describes the use of consensus standards in DC and COL applications as a general reference or by incorporation by reference in Section C.2.6, “COL Application Referencing DC and/or ESP,” of this regulatory guide.

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