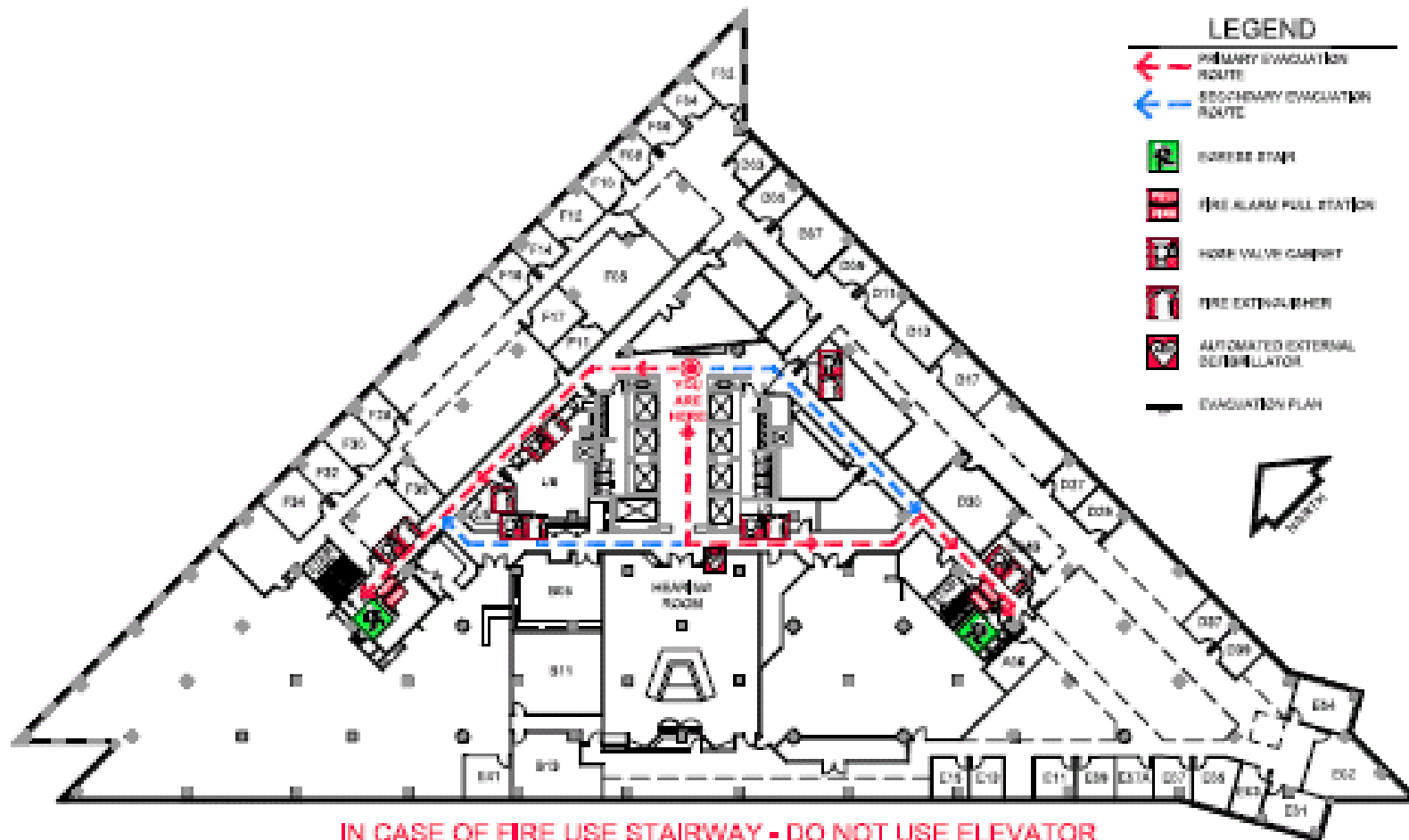


# Cumulative Effects of Regulation

Category 3 Public Meeting  
May 31, 2012

# Welcome to NRC Headquarters



IN CASE OF FIRE USE STAIRWAY - DO NOT USE ELEVATOR  
 IN CASE OF EMERGENCY, CALL 911

# Meeting Purpose

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- To obtain feedback on issues related to the implementation of the Cumulative Effects of Regulation (CER) rulemaking process enhancements
- To discuss post-Fukushima activities and the CER process

# Topics for Discussion

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- Background
- CER Questions in Proposed Rule *Federal Register* notices (FRNs)
- Public Meetings on Implementation during the Final Rule Stage
- Applying Risk Insights to Prioritize Regulatory Actions
- Quantifying the Cumulative Impacts of Regulation
- Consideration of Other Regulatory Instruments
- Concurrent Rule and Guidance Publication
- Post-Fukushima Activities and the CER process

# Background

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- Industry voiced concerns during the implementation stages of recent rulemakings:
  - Power reactor security rulemaking (Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73)
  - Fitness-for-duty rulemaking (10 CFR Part 26)
- Staff Requirements Memorandum (SRM) on Emergency Preparedness Proposed Rule (January 13, 2010; ADAMS Accession No. ML100130067)
- Category 3 Public Meeting (November 16, 2010)

## Background (cont'd)

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- NEI sent a letter dated December 7, 2010 (ADAMS Accession No. ML103410341), as follow-up to a November 16, 2010, public meeting
  - Documented key points that the nuclear power industry communicated during the public meeting
- SECY-11-0032, “Consideration of the Cumulative Effects of Regulation in the Rulemaking Process” (March 2, 2011; ADAMS Accession No. ML110190027)
- SRM to SECY-11-0032 (October 11, 2011; ADAMS Accession No. ML112840466)



# CER Questions in Proposed Rule FRNs

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- Approved by the SRM to SECY-11-0032, the CER questions will be designed to:
  - Elicit stakeholder input on the potential for CER impacts with respect to the proposed rule
  - Obtain suggestions on how best to address the potential impacts

# CER Questions in Proposed Rule FRNs (Cont'd)

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- In light of any current or projected CER challenges, does the proposed rule's [effective date, compliance date, or submittal date(s)] provide sufficient time to implement the new proposed requirements, including changes to programs, procedures, and the facility?
- If current or projected CER challenges exist, what should be done to address this situation (e.g., if more time is required for implementation of the new requirements, what period of time is sufficient)?
- Do other regulatory actions (e.g., orders, generic communications, license amendment requests, inspection findings of a generic nature) influence the implementation of the proposed rule's requirements?
- Are there unintended consequences? Does the proposed rule create conditions that would be contrary to the proposed rule's purpose and objectives? If so, what are the unintended consequences, and how should they be addressed?
- Please comment on the NRC's cost and benefit estimates in the regulatory analysis that supports the proposed rule.



# CER Questions in Proposed Rule FRNs (Cont'd)

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## Discussion:

- Are the CER questions appropriate?
- Are there other questions the NRC should include?

# Public Meetings on Implementation

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- SRM Direction: To better understand and clarify the CER concerns and to structure the rule requirements and compliance dates appropriately

## Discussion:

- Are there situations where a public meeting on implementation would not be constructive?
- Can a public meeting on implementation be used to address the SRM direction on applying risk insights to prioritize regulatory actions? (Hold discussion for next slide.)

# Applying Risk Insights to Prioritize Regulatory Actions

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- SRM Direction: Consider whether the revised rulemaking process should apply risk insights to prioritize regulatory actions

## Discussion:

- What are the external stakeholders' thoughts and views on how to apply risk insights to prioritize regulatory actions?
- Could the spirit of this direction be addressed during the public meeting on implementation?
  - Example: Enable licensees to provide feedback on ongoing regulatory actions and how the licensee views the safety/risk priority of these actions relative to an impending rulemaking. This, in turn, would inform how the activities should be scheduled.

# Quantifying the Cumulative Impacts of Regulation

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- SRM Direction: Consider the need to quantify the cumulative impacts of regulation in a strategy paper – how the agency might develop a measurement and evaluation approach that will inform both future and current regulatory activities

## Discussion:

- What are the external stakeholders' thoughts and views on how to quantify the cumulative impacts of regulation?

# Consideration of Other Regulatory Instruments

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- SRM Direction: Implementation of the CER should consider other regulatory instruments. The staff's office-specific procedures should be revised to include provisions to account for other regulatory action that may influence implementation dates for new rule requirements

## Discussion:

- For rulemaking, what other activities should be considered?
- How could this be achieved?
  - Example: Include specific request for comments in the proposed rule FRN.

# Concurrent Rule and Guidance Publication

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- SRM Direction: Publish draft guidance with proposed rules and publish final guidance with final rules

## Discussion:

- Staff is already implementing this; how is it working – suggestions?
- Are there suggestions for situations in which industry drafts the guidance and submits the guidance to the NRC for endorsement?
  - Example: When the industry is supporting the NRC's schedule, what is the best method of ensuring that the process is met, while enabling external stakeholders to participate in guidance development?



# Post-Fukushima Activities and the CER Process

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- CER principles were applied to the post-Fukushima activities
  - Extensive public outreach
  - Station Blackout and Onsite Emergency Response Capabilities Advance Notices of Proposed Rulemaking
- NRC understands resource constraints for implementing the post-Fukushima actions
  - How might this situation be best addressed within the CER context?
    - Example: Public meeting on implementation during the final rule stage could be used to understand the ongoing situation (i.e., implementation of post-Fukushima activities) and its impact on the subject rulemaking.

# Questions?

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