

Process Overview for Mitigation of Beyond-Design-Basis Events

Summary:

The NRC has consolidated rulemaking activities associated with NRC Near-Term Task Force (NTTF) Recommendations 4; 7; 8; and portions of 9, 10, 11; and the reevaluated flooding and seismic hazards into a single effort.

Background:

- NRC staff produced a paper for Commission consideration (ADAMS No. [ML14064A544](#)) that proposed combining post-Fukushima rulemaking activities for several NTTF recommendations:
 - Recommendations 8 and 11 (portions) for Onsite Emergency Response Capabilities.
 - Recommendation 9 (portions) for numerous Emergency Preparedness actions.
 - Recommendations 4 and 7 for Station Blackout Mitigating Strategies and Spent Fuel Pool Instrumentation and Makeup Capabilities.
 - Recommendation 10 (portions) for Prolonged Station Blackout & multiunit events.
- The Commission approved the consolidation and the effort was re-named "Mitigation of Beyond-Design-Basis Events."
- This rulemaking activity also includes consideration of a number of petitions for rulemaking, which were submitted by external stakeholders after the Fukushima accident.
- The proposed rule was submitted to the Commission in [SECY-15-0065](#).
- In the respective [Staff Requirements Memorandum](#), the Commission approved its publication in the Federal Register subject to removal of certain proposed requirements.
- The final proposed rule is due to the Commission in December 2016.

Process Overview:

The process for rulemaking is described in LIC-300, "Regulatory Procedures." The rulemaking process includes the following elements:

- Establish the need for rulemaking:
 - Technical basis for rulemaking should be defined.
 - The rulemaking should resolve a safety, security, environmental, or administrative problem, or address an unnecessary regulatory burden.
- The NRC staff prepares and presents a rulemaking plan:
 - It should answer key questions and get buy-in from the Commission.
- Development of propose rule language:
 - Language is presented to the NRC and to the public for comment.
 - The proposed language is announced on the *Federal Register*.
 - The process for developing a proposed rule takes about a year or more, depending on complexity of the rule.
- Development of Final Rule and *Federal Register* contents:
 - Staff resolves comments from external stakeholders on the proposed rule, based on feedback from *Federal Register* notice.
 - The staff provides a final rule to the Commission for consideration.
 - If approved by the Commission, the final rule is published in the *Federal Register*, including a required compliance date for affected licensees.