



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

(FSME-13-029, March, Program, Cumulative Effects of Regulations (CER))

March 22, 2013

ALL AGREEMENT STATE RADIATION CONTROL PROGRAM DIRECTORS

NOTIFICATION OF NRC PUBLIC MEETING ON CUMULATIVE EFFECTS OF REGULATIONS
(FSME-13-029)

Purpose: To notify the Agreement States that the NRC is hosting a category 3 public meeting on Cumulative Effects of Regulation (CER) as it applies to rulemaking on April 24, 2013 (Enclosure 1).

Background: CER describes the challenges that licensees, or other impacted entities (such as State partners) face while implementing new regulatory positions, programs, or requirements (e.g., rules, generic letters, backfits, inspections). CER is an organizational effectiveness challenge that results from a licensee or impacted entity implementing a number of complex regulatory positions, programs or requirements within a limited implementation period and with available resources (which may include limited available expertise to address a specific issue). CER can potentially distract licensee or entity staff from executing other primary duties that ensure safety or security.

In March 2011, the staff delivered to the Commission SECY-11-0032, "Consideration of the Cumulative Effects of Regulation in the Rulemaking Process" to address how NRC would address CER. The SECY paper included several enhancements designed to: 1) encourage increased interaction with external stakeholders throughout the rulemaking process in order to resolve issues that can lead to implementation challenges and contribute to CER; 2) explicitly solicit feedback on CER concerns to increase stakeholder awareness and enable the NRC to make better informed decisions on how to mitigate CER; and 3) improve the process for establishing the time allowed for implementation by seeking additional information on CER.

As a follow-up to SECY-11-0032, and to respond to Commission direction on that paper, the staff prepared SECY-12-0137, "Implementation of the Cumulative Effects of Regulation Process Changes," dated October 5, 2012. SECY-12-0137 described interactions with stakeholders throughout all stages of the rulemaking process, guidance publication, the common prioritization of rulemaking (CPR), the staff's consideration of applying risk insights to prioritize regulatory actions, the impact of CER implementation on other regulatory actions, and the staff's consideration of the need to quantify cumulative impacts of regulation. In addition, SECY-12-0137 addressed feedback from external stakeholders received at the May 2012 public meeting on CER.

The Commission issued its staff requirements memorandum (SRM) to SECY-12-0137 on March 12, 2013 (Enclosure 2). The SRM approved the staff's proposed actions to implement CER, and directed future activities related to CER. These activities include, but are not limited to: 1) Continue to develop and implement outreach tools that will allow NRC to consider more completely the overall impacts of multiple rules, orders, generic communications, advisories, and other regulatory actions on licensees; 2) Ensure that development of any future template on

CER include input from reactor and non-reactor licensees; 3) Engage stakeholders in “case studies” to review the accuracy of cost and schedule estimates in regulatory analyses; and 4) Engage with Agreement States, broadly, on the cumulative effects of NRC’s regulatory actions on the conduct of their Agreement State programs.

Discussion: The NRC is hosting a public meeting to obtain feedback on issues related to the implementation of the CER rulemaking process enhancements. This feedback will be used to inform a future Commission paper. States may participate remotely on the internet and via a toll-free audio teleconference brideline. The meeting notice for the meeting is enclosed. The meeting agenda is available on the NRC Web site under the public meeting section: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>. The NRC’s public meeting slides will be made available prior to the meeting.

The SRM to SECY-12-0137 also included specific direction to the staff to engage the Agreement States directly on several issues. Separately from this public meeting, the NRC will work with the Agreement States to address this Commission direction.

If you have any questions regarding this correspondence, please contact me at 301-415-7273 or the individual named below.

POINT OF CONTACT: Cardelia Maupin
TELEPHONE: 301-415-2312

INTERNET: Cardelia.Maupin@nrc.gov
FAX: 301-415-6139

/James Danna RA for/

Deborah Jackson, Acting Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. CER Public Meeting Notice
2. SRM-SECY-12-01 37

March 19, 2013

MEMORANDUM TO: Shana R. Helton, Chief
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Tara Inverso, Project Manager **/RA/**
Rulemaking Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: NOTICE OF FORTHCOMING CATEGORY 3 PUBLIC MEETING TO
DISCUSS THE CUMULATIVE EFFECTS OF REGULATION

DATE & TIME: Wednesday, April 24, 2013
1:00 p.m. – 5:00 p.m.
Eastern Standard Time

LOCATION: U.S. Nuclear Regulatory Commission (NRC)
Executive Boulevard Building
Room: 01B13
6003 Executive Boulevard
Rockville, MD 20852

PURPOSE: The purpose of this meeting is to: 1) Inform external stakeholders of the recent Commission direction on the Cumulative Effects of Regulation (CER); 2) Describe the NRC staff's current thoughts on ways to address the direction; and 3) Obtain feedback that will inform the NRC staff's efforts to address the direction. *NOTE TO PARTICIPANTS: Shortly before the meeting, by approximately **April 19, 2013**, the NRC plans to release the public meeting slides, which will be available online in the Agencywide Documents Access and Management System (ADAMS) Accession No. ML13078A062.*

CATEGORY 3: This is a Category 3 Public Meeting: Public participation is actively sought for this meeting to fully engage the public in a discussion of regulatory issues. No classified, proprietary, or protected information will be discussed.

MEETING CONTACT: Tara Inverso, NRR/DPR
301-415-1024
Tara.Inverso@nrc.gov

The NRC's Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC Web site, www.nrc.gov, and contains information regarding visitors and security.

Pre-registration:

Seating may be limited and will be available on a first-come basis. Inform the NRC's meeting contact of your intention to attend by April 18, 2013. This step will ensure that sufficient copies of meeting materials are available.

If you need a reasonable accommodation to participate in this meeting (e.g., a translator, handicapped accessibility) or need this meeting notice, the transcript, or other information from the meeting in another format (e.g. Braille, large print, a language other than English), please notify the NRC's meeting contact listed on this meeting notice or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact, Tara Inverso. Determinations on requests for reasonable accommodations will be made on a case-by-case basis.

Teleconferencing:

Interested members of the public unable to attend the meeting may participate by telephone via a toll-free teleconference. For additional details, please call the NRC meeting contact listed on this meeting notice or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact, Tara Inverso. Those interested in participating in this meeting by teleconference should call or e-mail the meeting contact as soon as possible, but no later than April 18, 2013.

Web conferencing:

Interested members of the public who are unable to attend the meeting may participate remotely on the internet and via a toll-free audio teleconference bridge-line. For additional details, please call the NRC meeting contact listed on this meeting notice or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact, Tara Inverso. Those interested in participating in this meeting by Web conference should call or e-mail the meeting contact as soon as possible, but no later than April 18, 2013.

Because meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances such as severe weather, confirm the meeting schedule with the meeting contact.

S. Helton

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PARTICIPANTS: NRC staff, interested stakeholders, and members of the public. Participants from the NRC include members of the NRC's CER Working Group. Other participants will likely include the Organization of Agreement States, the Nuclear Energy Institute (NEI), and other industry representatives.

NRC
T. Inverso, NRR
CER Working Group

External
Organization of Agreement States
NEI

Enclosure:
Meeting Agenda

S. Helton

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PARTICIPANTS: NRC staff, interested stakeholders, and members of the public. Participants from the NRC include members of the NRC's CER Working Group. Other participants will likely include the Organization of Agreement States, the Nuclear Energy Institute (NEI), and other industry representatives.

NRC
T. Inverso, NRR
CER Working Group

External
Organization of Agreement States
NEI

Enclosure:
Meeting Agenda

DISTRIBUTION:

PUBLIC
PRMB r/f
PMNS
RidsNrrOd
RidsNrrDpr
Shelton, NRR
TInverso, NRR

ADAMS Accession No: ML13078A065

*Via E-mail

OFFICE	NRR/PRMB: PM	NRR/PRMB: RS*	NRR/PRMB: BC
NAME	TInverso	CEngland	SHelton
DATE	3/19/2013	03/18/2013	3/19/2013

OFFICIAL RECORD COPY

Public Meeting Agenda
CUMULATIVE EFFECTS OF REGULATION
April 24, 2013; 1 pm – 5 pm

- | | |
|---|------------|
| 1. Welcome and Introductions | 10 minutes |
| 2. Background | 10 minutes |
| a. SECY-12-0137, "Implementation of the Cumulative Effects of Regulation Process Changes," dated October 5, 2012 (NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML12223A162). | |
| b. SRM-SECY-12-0137, "Implementation of the Cumulative Effects of Regulation Process Changes," dated March 12, 2013 (ADAMS Accession No. ML13071A635). | |
| 3. Specific Topics for Discussion | 3 hours |
| a. Outreach Tools to Consider Regulatory Actions | |
| b. Case Studies to Review Accuracy of Cost and Schedule Used in NRC's Regulatory Analyses | |
| c. Cumulative Effects of Regulation Template to Determine the Viability and Priority of Potential Rulemakings | |
| 4. External Stakeholder Comments | 30 minutes |
| 5. Closing Comments | 10 minutes |

Note: Provided times are estimated and for planning purposes only. Adjustments may be made during the meeting as necessary.

ENCLOSURE

March 12, 2013

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – SECY-12-0137 – IMPLEMENTATION
OF THE CUMULATIVE EFFECTS OF REGULATION PROCESS
CHANGES

The Commission has approved the staff's proposed actions to implement the cumulative effects of regulation (CER) process enhancements as described in SECY-12-0137, subject to the comments below.

Any expansion of the consideration of the CER should be considered in the broader context of actions directed from COMGEA-12-0001/COMWDM-12-0002, "Proposed Initiative to Improve Nuclear Safety and Regulatory Efficiency."

The staff should continue to develop and implement outreach tools that will allow NRC to consider more completely the overall impacts of multiple rules, orders, generic communications, advisories, and other regulatory actions on licensees and their ability to focus effectively on items of greatest safety import.

The staff should ensure that the development of any template is done with input from both reactor and non-reactor licensees. Additionally, the staff should encourage Agreement State engagement in the development of the template, to the extent there is interest.

The staff should gather input from all interested external parties on the effectiveness of NRC's CER process and provide an implementation status report to the Commission, including any recommendations for improvements derived from lessons learned, within 2 years of the date of this SRM.

As part of routine interactions, the staff should engage with Agreement States, broadly, on the cumulative effects of NRC's regulatory actions on the conduct of their Agreement State programs.

The staff should engage industry to seek volunteer facilities to perform "case studies" to review the accuracy of cost and schedule estimates used in NRC's regulatory analysis (such as the 10 CFR Part 73 security upgrades required after the attacks of September 11, 2001 and 10 CFR 50.48c, NFPA 805 program). Within 3 months of this SRM, the staff should provide via a Commissioners' Assistants Note a status update on its efforts to obtain volunteer facilities.

NRC senior management should carefully monitor the CER approach to ensure that no significant unintended consequences occur.

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR