

BRIEF OVERVIEW OF NRC RULEMAKING

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What is Rulemaking?

- Process of developing rules by government agencies
- Rules are designed to implement, interpret, or prescribe law or policy
- NRC rules impose requirements that applicants and licensees must meet to use nuclear material or operate a nuclear facility

Rulemaking Process Overview

1. Regulatory Basis
 - Demonstrates need for rulemaking
2. Proposed Rule
 - Request public comment
3. Final Rule
 - Address public comments

Regulatory Basis

- Describe problem to be addressed
- Provide brief history of the problem
- Discuss relevant policy/legal issues
- Consider backfit exceptions (50.109) or finality criteria (52.63 et al)
- Determine if environmental analysis reqd

Regulatory Basis (cont.)

- Identify affected licensees or applicants
- Describe impacts on licensees or applicants
- Describe impacts on the NRC
- Discuss alternative regulatory actions
- May conclude that rulemaking is appropriate and justified

Proposed Rule

- Package includes a Federal Register notice (FRN) and supporting documents
 - “Statement of Considerations”, or SOC
 - Proposed rule language
- Approved by Commission or EDO
- Published in FR for public comment
 - Typically 75 day comment period
 - Posted on www.regulations.gov for electronic viewing/submittal of comments

Final Rule

- FRN includes responses to public comments
- Must be “logical outgrowth”
- Provided to ACRS for review/briefing
- Approved by Commission or EDO

Additional Information

- 10 CFR Part 2 Subpart H, “Rulemaking”
- Mgmt Directive 6.3, The Rulemaking Process
- NRC Regulations Handbook, NUREG/BR-0053, Rev. 6
- External Website – “Regulations.gov”
 - <http://www.regulations.gov/>
 - Search on rulemaking docket no. NRC-2012-0012