



Understanding the Rulemaking Process and Generic Communications

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NREP Open Forum

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Agenda

- Rulemaking Process
- Generic Communications

Rulemaking Process

- Advanced Notice of Rulemaking
- Proposed Rule
- Final Rule

Rulemaking Process: Advanced Notice of Rulemaking

- Determine high importance or public interest
- Publish notice calling for rulemaking
- Hold public meetings
- Broad concept
- Encourage public comment

Rulemaking Process: Proposed Rule

- Motivation
- Submit Proposed Rule to Commission
- Draft Rule publication in *Federal Register* for public comment

Rulemaking Process: Final Rule

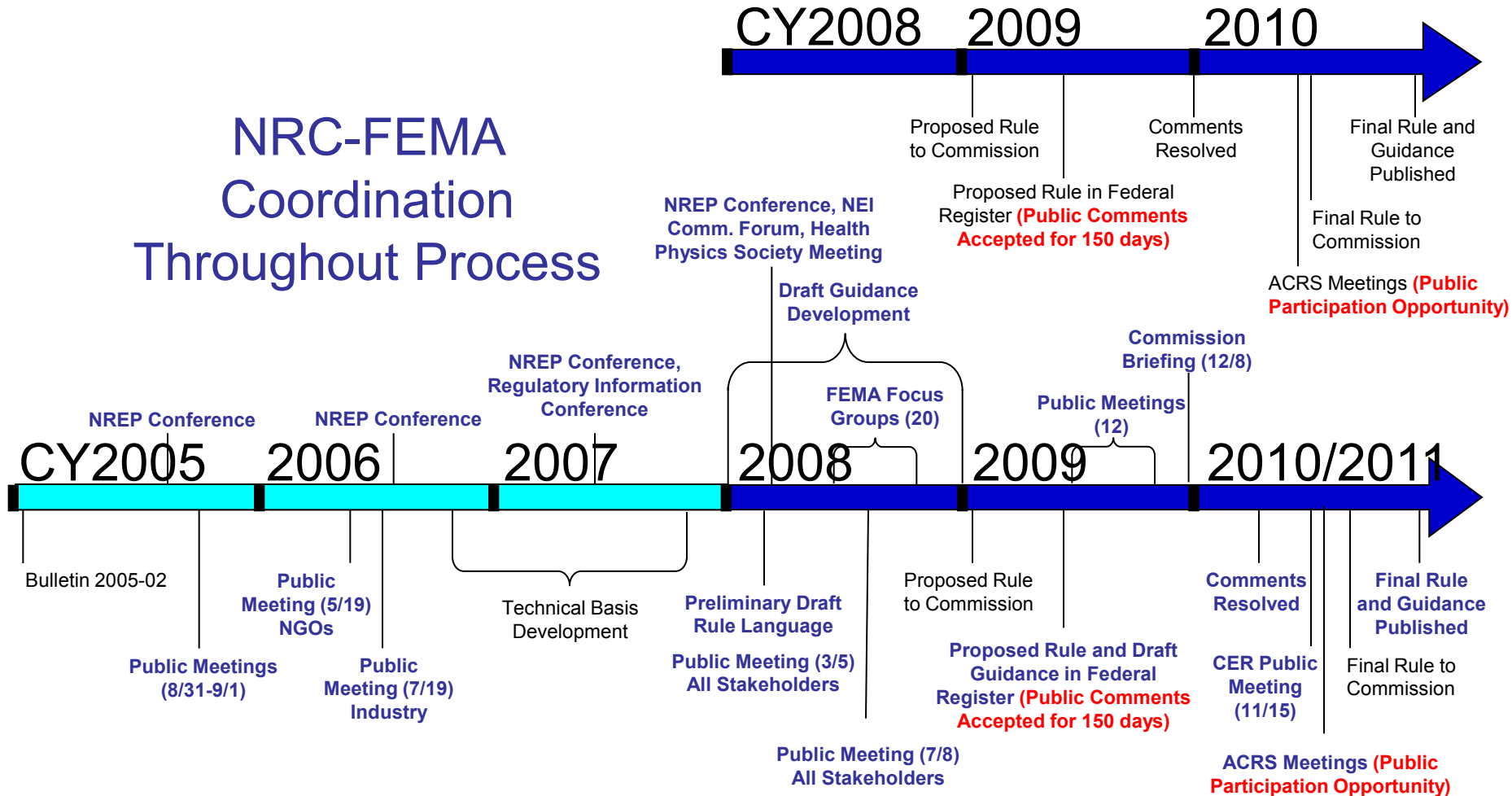
- Comment resolution
- Changes to rule language
- Submit Final Rule to Commission
- Publication in *Federal Register*
- Compliance and enforcement
- Effective and Implementation dates

Standard Rulemaking Process

vs.

EP Rule Process

NRC-FEMA
Coordination
Throughout Process



Generic Communications

- NUREG
- Interim Staff Guidance
- Regulatory Guide
- Bulletin
- Information Notice
- Regulatory Issue Summary
- 10 CFR 50.54(f) letter

NUREG Functions

- Public outreach information
- Regulatory support
- Technical analyses and research results
- Action plans and guidance
- Generic technical issue resolution
- Team reports
- Other agency administrative information

NUREG Types

- Publications prepared by NRC

Example: NUREG-0696

- Brochures prepared by NRC staff

Example: NUREG/BR-0314

- Conference Proceedings prepared by NRC or contractors

Example: NUREG/CP-XXXX

- Publications prepared by NRC contractors

Example: NUREG/CR-7002

- Publications resulting from International Agreements

Example: NUREG/IA-XXXX

NUREG Uses

- NRC Staff guidance and instructions
- Licensing action procedures and acceptance criteria
- Staff suggested course of action
- Not a substitute for regulations
- No compliance required
- Licensees may propose alternatives

Interim Staff Guidance (ISG)

- Clarify issues not in Standard Review Plan (SRP) or NUREG
- Fills the Gap between revisions
- NSIR/DPR-ISG-01
- Not a substitute for regulations
- No compliance required
- Licensees may propose alternatives

Regulatory Guide (RG)

- Ten Broad Divisions

1. Power reactors
2. Research and test reactors
3. Fuels and materials facilities
4. Environmental and siting
5. Materials and plant protection
6. Products
7. Transportation
8. Occupational health
9. Antitrust and financial review
10. General

Regulatory Guide (RG) Functions

- Acceptable methods to implement regulations
- Evaluation techniques for specific problems or postulated accidents
- Contains data required for reviewing permit and license applications
- Not substitute for regulations
- No compliance required
- Licensees may propose alternatives

Bulletin Types

- Addresses significant and urgent issues in safety, security, or safeguards
- Urgent compensatory actions

Bulletin Functions

- May request actions, information, analyses, or new / revised commitments
- May NOT request long term actions
- May NOT require actions or commitments

Bulletin 2005-02: “Emergency Preparedness and Response Actions for Security-Based Events”

- Security based classifications
- Prompt notification of NRC
- Onsite protective measures
- Emergency Response Organization (ERO) augmentation
- Drill emergency response capabilities

Information Notice (IN)

- Recently identified significant operating experience (OE)
- Recently completed research results
- Licensees evaluate information notices for applicability
- IN 2005-19, “Effect of Plant Configuration Changes on the Emergency Plan”

Regulatory Issue Summary (RIS)

- Includes a broad range of subjects with generic applicability
- Does not involve a request for action or information unless it is voluntary

RIS Functions

- Informs licensees of technical or policy positions not previously communicated or fully understood
- Reports NRC endorsement of industry developed documents
- Solicit voluntary pilot program participation
- Informs licensees of regulatory relief opportunities
- Announces regulatory documents issuance
- Requests voluntary submittal of information for NRC administration of regulatory process

10 CFR 50.54(f) Letter Language

“The licensee shall at any time before expiration of the license, upon request of the Commission, submit, as specified in § 50.4, written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified, suspended, or revoked. Except for information sought to verify licensee compliance with the current licensing basis for that facility, the NRC must prepare the reason or reasons for each information request prior to issuance to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. Each such justification provided for an evaluation performed by the NRC staff must be approved by the Executive Director for Operations or his or her designee prior to issuance of the request.”

10 CFR 50.54(f) Letter Highlights

- Licensees must submit written statements enabling the Commission to determine if the license should be modified, suspended, or revoked
- NRC must prepare reasons for each information request, making sure that the burden is justified
- Each justification must be approved by the Executive Director for Operations

Questions?

Contact Information

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