



## Cumulative Effects of Regulation (CER)

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## CER: Background

- Staff Requirements Memorandum (SRM) M091208, "Enhancements to Emergency Preparedness Regulations," January 13, 2010
  - "For this and future rulemakings the staff should consider if the schedule for implementing those new regulations should be influenced by the aggregate impact of new regulations(s) and others that may already be scheduled for implementation."

## CER: Background

- SECY-11-0032, “Consideration of the Cumulative Effects of Regulation in the Rulemaking Process”
  - Described rulemaking process enhancements
  - Established that CER is not applicable to voluntary rules, direct final rules, rules that do not impose requirements
- SRM to SECY-11-0032
  - Approved process enhancements and provided further direction on CER issues

## CER: Background

- SECY-12-0137
  - Described a potential NEI template for CER
  - Provided an update on the implementation of CER in rulemaking
  - Reiterated the list of rulemakings that are not CER-applicable

## CER: Definition

“Cumulative Effects of Regulation 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). Cumulative Effects of Regulation 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). Cumulative Effects of Regulation can potentially distract licensee or entity staff from executing other primary duties that ensure safety or security.”

– SECY-12-0137

## What This Really Means

- Resources for the NRC and NRC licensees are finite. Difficulties can arise when multiple regulatory actions are implemented at the same time.
  - E.g., Availability of PRA contractors
- The CER process enhancements aim to create implementation schedules that maintains focus on safety.

## CER in the Rulemaking Process

- CER process enhancements have been added to all phases of the rulemaking process
- In general, the goal of the CER process enhancements is increased stakeholder interaction
- Agency and office-specific rulemaking procedures are updated to include the CER process enhancements

## Regulatory Basis Process Enhancements

- NRC staff must interact with external stakeholders during the regulatory basis phase
  - Flexibility in how to achieve interaction (e.g., interim versions of the regulatory basis can be released; the entire regulatory basis can be released once complete)
  - Consider public meetings and/or public comment periods
- Consider the need for regulatory analysis

## Goals of Interactions on the Regulatory Basis

- Obtain external stakeholder feedback that will result in:
  - Informed regulatory basis
  - Identification and resolution of issues
  - Identification of where guidance is needed
  - Increased stakeholder focus on proposed rule
  - Informed NRC decision on whether to pursue rulemaking

## Commission Direction on Regulatory Interactions

- “The staff should keep the Commission informed as to the outcome of the Regulatory Basis Development Interaction and should provide the Commission with its general conclusions based on these interactions via a CA note for each rulemaking as soon as practical.”

## Proposed Rule Process Enhancements

- Draft guidance published for comment concurrent with the proposed rule
- Specific request for comment that solicits feedback on CER in the proposed rule's Federal Register notice

## Final Rule Process Enhancements

- Consideration of CER Feedback
  - Final rule SECY paper and Federal Register notice will summarize CER feedback received
- Final guidance published concurrent with the final rule
- Public Meeting on Implementation during the Final Rule
  - Meeting will typically be held once final rule language is sound and publicly available
  - Meeting will focus only on implementation dates (and not the rule requirements)

## CER: Next Steps

- CER interoffice working group is:
  - Considering how, when, and if to expand CER beyond rulemaking to other regulatory actions
  - Working with stakeholders to investigate the accuracy of the NRC's cost and schedule estimates in regulatory analyses
  - Interacting with industry on NEI's proposals



## Questions?

- For more information contact:
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## References

- SECY-11-0032, “Consideration of the Cumulative Effects of Regulation in the Rulemaking Process” (March 2, 2011; ADAMS Accession No. ML110190027)
- SRM-SECY-11-0032 (October 11, 2011; ADAMS Accession No. ML112840466)
- SECY-12-0137 “Implementation of the Cumulative Effects of Regulation Process Changes” (October 5, 2012; ADAMS Accession No. ML12223A162)
- SRM-SECY-12-0137 (March 12, 2013; ADAMS Accession No. ML13071A635)

## References

- Executive Order 13563, “Improving Regulation and Regulatory Review” (January 18, 2011; 76 FR 3821)
- Executive Order 13579, “Regulation and Independent Regulatory Agencies” (July 11, 2011, 76 FR 41587)
- Office of Management and Budget Memorandum, “Cumulative Effects of Regulations” (March 20, 2012; <http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/cumulative-effects-guidance.pdf>)