



Consolidation of Post-Fukushima Rulemaking Efforts

Public Meeting
March 4, 2014



Purpose

- Discuss a proposal to consolidate post-Fukushima rulemakings
- Discuss reasons/show viability for pursuing consolidation (supported with conceptual version of a consolidated rule)
- Recognize stakeholder interest: Would like feedback that can be used to inform our request for approval from Commission
- Note – will have a public teleconference on same issue on March 6, 2014

Background

- NRC Staff has recognized the overlap between the station blackout mitigation strategies (SBOMS) rulemaking and the onsite emergency response capability rulemakings
- Current concept for onsite emergency response capability rulemaking would prevent it being issued in final form before SBOMS rulemaking completion (i.e., currently onsite emergency capabilities rulemaking would explicitly reference SBOMS rule)



- Public meeting in November 2013 revealed/confirmed that the ongoing implementation of EA-12-049 mitigation strategies into EOPs and SAMGs was effectively merging these efforts
- Staff believes consolidating rulemakings would align the regulatory framework with implementation and have many benefits
 - More coherent and understandable framework
 - Reduced potential for disconnects
 - Reduced review and comment burden both internally and externally



Scope/Schedule

- Consolidating SBOMS and onsite emergency response capability rulemakings includes consolidation of supporting implementation guidance
- **Result:** The scope of this rulemaking would include regulatory actions stemming from the following NNTF Recommendations:
 - All of Recommendations 4 and 7 (i.e, current SBOMS scope)
 - All of Recommendation 8 (i.e., Onsite Emergency Response Capability)
 - All of Recommendations 9.1, 9.2, and 9.3 with one exception (maintenance of ERDS capability throughout the accident), 10.2, and 11.1
 - 9.4 Emergency Response Data System (ERDS) (modernization only)
- **Final rule schedule would remain unchanged:**
 - Final rule package to the Commission: 12/27/2016



Consolidated Rule

- Different portions of the consolidated rule have different supporting bases:
 - Portions that make EA-12-049 requirements (or equivalent license condition for new reactors) generically-applicable are not new imposed impositions (i.e., not backfits)
 - All other requirements require justification under 10 CFR 50.109 (backfit) for current operating reactors or 10 CFR 52.63 (finality) for new reactor COLs
 - With this in mind the intent is to construct the rule with sub-paragraphs that can (if not supportable) be removed from the rulemaking
- The consolidated rule is addressing these actions within a single rulemaking but will be designed recognizing the different regulatory bases/justifications

Consolidated Rule Cont'

- **Applicability – paragraph (a)**
 - Power reactors only (both current and new): Not RTRs and not ISFSIs
 - Intent to incorporate decommissioning provisions
- **SBOMS – paragraph (b)**
 - Functional/performance-based beyond-design-basis external event mitigation strategies requirements (from EA-12-049)
- **EDMGs – paragraph (c)**
 - Functional/performance-based “B5b”/EDMG requirements
 - Simply moves 10 CFR 50.54(hh)(2) (but may remain in place)
- **SAMGs – paragraph (d)**
 - Conceptual functional/performance-based SAMG requirements

Consolidated Rule Cont'

- **Integration, Command, and Control –paragraph (e)**
 - Conceptual requirements for integration, command, and control for EOPs/SAMGs/EDMGs/SBOMS
- **Drills and Exercises – paragraph (f)**
 - Conceptual requirements for integrated drills, exercises, or both for EOPs/SAMGs/EDMGs/SBOMS
 - Intent would be to allow licensee flexibility
- **Change Control – paragraph (g)**
 - Conceptual “beyond-design-basis” change control recognizing the limited applicability of 10 CFR 50.59 for beyond design basis

Consolidated Rule Cont'



- **SBOMS Equipment - paragraph (h)**
 - Regulatory treatment for equipment relied upon in SBOMS (i.e., from EA-12-049)
- **Training**
 - Conceptual training requirements (either through amendments to current training requirements or alternatively contained within the new rule as beyond-design-basis training)
- **Submittal/documentation – conforming changes in part 50 and part 52**
 - There would need to be new reactor applications/licensing submittal information in applicable portions of Part 50 and Part 52

Next Steps

- We are requesting Commission approval for consolidation
 - Staff concludes it the most efficient use of NRC rulemaking resources for managing the rulemakings
 - 6-month Status paper – due in late March 2014
- Public Teleconference to continue this discussion on March 6, 2014
 - 888-606-9535/passcode 45126
- We would like to inform that request with any significant feedback that we receive from the public

Questions

