

U.S. Nuclear Regulatory Commission Public Meeting Summary

November 14, 2014

Title: Discuss Cumulative Effects of Regulation

Meeting Identifier: 20141745

Date of Meeting: Thursday, October 9, 2014

Location: NRC Headquarters, Rockville, Maryland

Type of Meeting: Category 3

Purpose of the Meeting:

On October 9, 2014, the Nuclear Regulatory Commission (NRC) held a public meeting in Rockville, Maryland, to discuss the cumulative effects of regulation (CER) and the latest draft revision of the Nuclear Energy Institute's (NEI's) "Draft Process for Managing Cumulative Impact of Regulatory Actions," which is available at [ML14266A493](#) in the NRC's Agencywide Documents Access and Management System (ADAMS).

General Details:

The meeting was noticed on September 23, 2014. The notice is available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html#web-based-adams>, where the public can access the text and image files of NRC's public documents in the NRC's Agencywide Documents Access and Management System (ADAMS). The meeting notice can be found under ADAMS Accession No. ML14261A002. NRC staff slides from the meeting can be found under ADAMS Accession No. ML14282A005.

The meeting was attended by 23 individuals, 6 of which participated through audio teleconferencing and webinar. The attendees consisted of representatives from the NRC staff, along with members of the nuclear power reactor community and members of the public. Enclosure 1 presents a summary of the meeting. Enclosure 2 provides a complete list of participants. Enclosure 3 contains a handout, "Management Directive 8.18 – NRC Generic Communication Program," that was distributed by NEI for discussion during the meeting.

Summary of Presentations:

The public meeting began with brief opening remarks followed by a presentation (ADAMS Accession No. [ML14282A005](#)), which provided a background discussion on CER, NRC actions to date to address CER, the relationship of CER to the Risk Prioritization Initiative (RPI), CER key messages, staff perspectives on CER, and next steps. NRC staff discussed the history and evolution of CER, beginning in 2009 and resulting in [SECY-12-0137](#), "Implementation of the Cumulative Effects of Regulation" and [associated Staff Requirements Memorandum](#) (SRM), and [COMSECY-14-0014](#), "Cumulative Effects of Regulation and Risk Prioritization Initiative: Update on Recent Activities and Recommendations for Path Forward." NRC staff noted that the deliverables for CER and RPI have been merged in response to the [SRM on COMSECY-14-0014](#).

NRC staff presented the definition of CER as:

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

NRC staff also discussed actions taken to date to address CER, including rulemaking process modifications to increase interaction with external stakeholders throughout the rulemaking process, publish draft and final guidance concurrently with proposed and final rules, respectively, and engage external stakeholders on CER impacts of proposed rules by asking specific CER-related questions in Federal Register Notices (FRNs) for proposed rules. NRC staff stated that in response to Commission direction in the SRM on SECY-12-0137 and the [SRM on COMGEA-12-001/COMWDM-12-002](#), the staff is determining if additional actions are necessary to address CER in other regulatory areas.

NRC staff discussed the relationship between CER and RPI, and noted that an Advisory Committee for Reactor Safeguards (ACRS) meeting will be held on RPI on November 3, 2014. Following the ACRS meeting, a public meeting will be held on November 4, 2014. NRC staff encouraged members of the public to attend these meetings.

NRC staff discussed several potential benefits of considering CER, including increased interaction with external stakeholders, improved quality of regulatory analyses by obtaining cost information early in process, the ability to inform implementation schedules and limit unintended consequences, and increased regulatory stability by issuing guidance concurrently with requirements. However, the NRC staff noted that resolution of adequate protection issues takes priority over CER concerns.

NRC staff discussed next steps regarding consideration of CER, which are targeted at addressing Commission direction in SRM-SECY-12-0137 and SRM-SECY-14-0014. NRC staff is considering enhancements to existing processes, exploring means to address CER for a

ENCLOSURE 1

broader range of regulatory activities. NRC staff stated that the results of these efforts will be included in the March 2015 Commission paper on CER and RPI.

Discussion of NEI Proposed Process:

After the NRC presentation, NEI led a discussion on a figure entitled “Draft Process for Managing Cumulative Impact of Regulatory Actions,” which is available at [ML14266A493](#) in the NRC’s Agencywide Documents Access and Management System (ADAMS). NEI introduced the figure as a conceptual decision-making process for addressing CER concerns. NEI characterized the process as a potential framework for characterizing generic issues, and defined generic issues as those issues that affect more than one site.

Initial discussions focused on the “Generic Characterization and Prioritization” box in the figure provided by NEI. NEI representatives mentioned the Generic NEI representatives inquired about processes used to characterize generic issues at the NRC. NRC staff mentioned the Generic Issues Program, which is a process that NRC uses to characterize generic safety issues. NRC staff also discussed the structure and function of the Common Prioritization of Rulemaking (CPR).

Further discussion focused on the “Potential Issue Identified” and “Issue Definition and Closure Criteria” boxes in the figure provided by NEI. NEI representatives suggested that public interaction may be beneficial early in the issue definition stage. A discussion was held on the need for additional information to inform up-front cost and benefit analyses and focus resources on the most important issues to safety and security. NEI and representatives from industry suggested that interaction as early as possible could provide benefits to issue definition, characterization, and prioritization. NRC staff commented that in certain situations, early public interaction may be beneficial. NRC staff took action to have the CER working group consider whether additional actions are necessary to improve interaction with external stakeholders.

NEI representatives discussed the concept of a generic assessment expert team (GAET), which is an element of the [NEI draft guidance](#) on RPI. In the RPI process, the GAET is a team of experts that characterizes the importance of regulatory issues and provides an overall assessment of important attributes for consideration in plant-specific evaluations. NEI representatives inquired if a similar process could be used to evaluate other regulatory actions. A discussion was held on whether a similar process or concept could be used for internal NRC review of regulatory actions, and the possibility of piloting this concept to review the CPR was introduced. NRC staff noted that the working group would take this suggestion into consideration and will include any recommendations in the March 2015 Commission paper.

Open Discussion

During the open discussion portion of the meeting, NEI representatives discussed their perspectives on potential CER enhancements to the generic communication process. NEI representatives provided the handout contained in Enclosure 3 of this meeting summary to facilitate the discussion. The discussion focused on NRC Management Directive (MD) 8.18, “NRC Generic Communications Program,” which is available in ADAMS [ML072070128](#), and item (vii)(k) of Appendix C to the Committee to Review Generic Requirements (CRGR) charter, which is available in ADAMS [ML110620618](#). NEI stated that Item (vii)(k) of Appendix C, which

concerns prioritization and scheduling of actions in light of other ongoing regulatory activities, should be considered for incorporation into MD 8.18 as guidance to support the development and management approval of a regulatory issue summary (RIS). NEI representatives also expressed the need for earlier interactions with external stakeholders prior to the development of a generic communication. NRC staff provided feedback that early interactions with stakeholders typically occur at the technical branch level when a safety concern is identified. These interactions, in the form of public meetings, usually occur well before a generic communication (i.e., Generic Letter or RIS) is even considered as a viable path forward. NRC staff took an action to discuss NEI's concerns with the CER working group and NRC management.

Summary and Conclusion

After the open discussion, NRC staff invited the public to provide comments. No comments were received from members of the public. NRC staff mentioned the upcoming ACRS meeting and public meeting on November 3 and 4, 2014, respectively, and encouraged public participation in these events. NRC staff emphasized that the issues discussed during this meeting would be considered by the CER working group, and NRC staff recommendations will be included in the March 2015 Commission Paper.

Attachments:

1. Meeting Attendance List
2. NEI Handout, "Management Directive 8.18 – NRC Generic Communication Program"

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GLappert TInverso

ADAMS Accession No: PKG: ML14316A019; Notice: ML14261A002; Summary: ML14316A022;
Presentation: ML14282A005 NEI Slide: ML14266A493 NRC-001

OFFICE	NRR/DPR/PRMB/PM	NRR/DPR/PRMB/RS	NRR/DPR/PRMB/BC	NRR/DPR/PRMB/PM
NAME	JCarneal	GLappert	TInverso	JCarneal, TI for
DATE	10/23/14	11/12/2014	11/12/2014	11/14/2014

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October 9, 2014, Public Meeting to Discuss the Cumulative Effects of Regulation

Attendance List

NAME	AFFILIATION
Jerald Hanson	Nuclear Energy Institute
John Butler	Nuclear Energy Institute
Chris Earls	Nuclear Energy Institute
Tara Inverso	NRC
Aby Mohseni	NRC
Timothy Reed	NRC
Jason Carneal	NRC
Tanya Mensah	NRC
Antonios Zoulis	NRC
Dennis Galvin	NRC
Ching Ng	NRC
Robert MacDougall	NRC
Richard Dudley	NRC
Donald Chung	NRC
Roger Pedersen	NRC
Steven Garry	NRC
Larry Harris	NRC
Steven Laur*	NRC
Jim Peschel*	Certrec Corporation
Laura Kozak*	NRC
Doug Weaver*	Westinghouse Electric Company
Jana Bergman*	Curtiss-Wright Corporation
Joel Wiebe*	NRC

*Participated via Webinar/Conference Call

Management Directive 8.18 - NRC Generic Communication Program

	Bulletin	Generic Letter	RIS (Endorsement)	RIS	RIS (Administrative or Routine)	IN	IATA	SA
Proposal Preparation								
Merits of Issue	✓	✓	-	-	-	-	-	-
Plans to Interact with Stakeholders	✓	✓	-	-	-	-	-	-
Plans to Bypass Stakeholders based on Safety/Risk Basis	✓	✓	-	-	-	-	-	-
Summary based on CRGR Appendix C	✓(1)	✓(1)	-	-	-	-	-	-
Assessment of short term/long term actions to closeout	✓	✓	-	-	-	-	-	-
Approval to Develop (7)	OD/ET	OD/ET	OD/ET	DD/LT	BC	BC	OD	DD
Review								
Preparation of CRGR Package (Appendix C)	✓(2)	✓(2)	✓(3)	✓(3)	-	-	-	-
Initial CRGR Review	-	✓(4)	✓(5)	✓(5)	-	-	-	-
Initial Advisory Committee Notification	-	✓(4)	-	-	-	-	-	-
Public Comment and Comment Resolution	-	✓	✓	✓(6)	-	-	-	-
Final CRGR Review	✓	✓	✓(5)	✓(5)	-	-	-	-
Final Advisory Committee Notification	✓	✓	-	-	-	-	-	-
OE Review	✓	✓	✓	✓	✓	-	-	-
OMB Clearance	✓	✓	✓	✓	✓	-	-	-
OGC CRA Review	✓	✓	✓	✓	✓	-	-	-
Commission Information Paper	✓	✓	-	-	-	-	✓	✓
Authorization for Issuance								

- (1) – Use of Appendix C is optional for NMSS and FSME (“...Appendix C of CRGR Charter may be used to the degree applicable, or some other suitable approach may be used...”)
 - (2) Guidance says “lead technical organization shall prepare a CRGR information package, if applicable”
 - (3) Only if CRGR requests a formal review.
 - (4) Staff may request a waiver of initial committee review before obtaining public comments. Committee may choose to grant or deny this waiver request.
 - (5) Staff will request an informal review. CRGR chairman may request an informal briefing. CRGR may request a formal review.
 - (6) Staff may seek public comments on RISs that deal with controversial topics or have potential significant impacts.
 - (7) OD – Office Director, ET – Executive Team, DD – Division Director, LT – Leadership Team