

# RIC 2006

## Session T1GH - Rulemaking

### Transparency in Rulemaking Process

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# Challenges

- Developing complex rule requires
  - Inputs from multiple stakeholders—different perspectives
  - Clarity—achieves regulatory intend
  - A clear path to implementation—it has to work
- Must address issues early in rule development process

# Transparency in Development

- Between advanced notice (ANPR) and draft rule for comment in Federal Register (FRN)
- Two rules as examples
  - Event Reporting (10 CFR 73.72&73)
    - 1998 to 1999
  - Fitness for duty (10 CFR Part 26)
    - 1994 to 2006 (Plus)

# Results 1996-2000

## – Event Reporting

- Meetings to discuss draft rule text
  - Testing of rule language with actual plant data
  - Implementing guidance developed in parallel
- Reopened after public comment period for one issue
- Result—post implementation workshop cancelled due to lack of issues.

## – Fitness for Duty

- Out of public view from 1996 to 2000
- Result—rule withdrawn by the Commission

# Current Draft Drug and Alcohol rule

- Frequent meetings
  - Draft text provided prior to each meeting
  - Process for submitting changes—in writing
  - Timely closure of issues
    - Did not always get full agreement—not objective
    - When all concerns had been tabled
  - Regional and OGC involvement in discussion

# Current Draft Work Hour Rule

- Process a partial success
  - Fatigue self-reporting and assessments
  - Supervisor training
  - Short term individual limits
- Problems
  - Security issues caused a loss of focus
  - Artificial time constraints to finish
  - Significant last minute changes to approach in the draft rule

# Conclusion

- Transparency is the best way to achieve a clear and effective rule
- Requires commitment to open process and consideration of changes
- Requires a structured approach to achieve closure
- Requires involvement of stakeholders, including those inside the NRC
- Requires a commitment to the final product