



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

(FSME-12-040, May, Other, Cumulative Effects of Regulation (CER))

May 1, 2012

ALL AGREEMENT STATE RADIATION CONTROL PROGRAM DIRECTORS

NOTIFICATION OF NRC PUBLIC MEETING (FSME-12-040)

**Purpose:** To notify the Agreement States that the NRC is hosting a category 3 public meeting on Cumulative Effects of Regulation (CER) as it applies to rulemaking.

**Background:** Cumulative Effects of Regulation describes the challenges that licensees, or other impacted entities such as State partners, face while implementing new regulatory positions, programs, and 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 actions 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.

The staff prepared SECY-11-0032, "Consideration of the Cumulative Effects of Regulation in the Rulemaking Process" to address how NRC would address CER. The SECY paper included several enhancements designed to: 1) encourage increased interaction with external stakeholders throughout the rulemaking process in order to resolve issues that can lead to implementation challenges and contribute to CER; 2) explicitly solicit feedback on CER concerns to increase stakeholder awareness and enable the NRC to make better informed decisions on how to mitigate CER; and 3) improve the process for establishing the time allowed for implementation by seeking additional information on CER.

In Staff Requirements Memorandum-SECY-11-0032, the Commission approved the staff's plans for CER process changes, and directed the staff to provide its final strategy to implement the changes. In addition, the Commission directed the staff to consider whether the revised process should apply risk insights to prioritize regulatory actions and whether such a prioritization is practical, and if so, how it might be pursued. The Commission also directed the staff to consider other regulatory instruments in the implementation of CER.

**Discussion:** The NRC is hosting a public meeting to obtain feedback on issues related to the implementation of the CER rulemaking process enhancements. This feedback will be used to inform a Commission paper. NRC will also discuss the relation of the post-Fukushima activities to the CER process. States may participate remotely on the internet and via a toll-free audio teleconference bridgeline. The meeting notice for the meeting is attached. The meeting agenda and slides for the meeting are available on the NRC Web site under the public meeting section: <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

**NRC Point of Contact:** If you have any questions regarding this correspondence, please contact me at 301-415-7278 or the individual named below.

POINT OF CONTACT: Merri Horn  
TELEPHONE: (301) 415-8126

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***/Deborah Jackson RA for/***

Josephine M. Piccone, Director  
Division of Intergovernmental Liaison  
and Rulemaking  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosure:  
CER Public Meeting Notice

May 2, 2012

MEMORANDUM TO: Shana R. Helton, Chief  
Rulemaking Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

FROM: Tara Inverso, Project Manager **/RA/**  
Rulemaking Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

SUBJECT: NOTICE OF FORTHCOMING CATEGORY 3 PUBLIC MEETING  
TO DISCUSS CUMULATIVE EFFECTS OF REGULATION  
PROCESS CHANGES

DATE & TIME: Thursday, May 31, 2012  
1:00 p.m. – 5:00 p.m.  
Eastern Time

LOCATION: U.S. Nuclear Regulatory Commission  
Two White Flint North  
Room: T-02B3  
11545 Rockville Pike  
Rockville, MD 20852

PURPOSE: To obtain feedback on issues related to implementing the Cumulative Effects of Regulation (CER) rulemaking process enhancements. As background, the Nuclear Regulatory Commission (NRC) staff proposed several CER-related process enhancements to the Commission in [SECY-11-0032](#). In its [staff requirements memorandum](#), the Commission approved these enhancements and provided additional instruction, including a direction for the staff to submit the results of the NRC staff's final strategy to implement these enhancements. Feedback obtained during this public meeting will inform the staff's final strategy. The NRC's presentation is available in advance in the Agencywide Documents Access and Management System under Accession No. ML12123A083. The attendees will also discuss post-Fukushima activities and the CER process.

MEETING CONTACT: Tara Inverso, NRR/DPR  
301-415-1024  
[Tara.Inverso@nrc.gov](mailto:Tara.Inverso@nrc.gov)

CATEGORY 3:

This is a Category 3 Meeting: Public participation is actively sought for this meeting to fully engage the public in a discussion of regulatory issues. No classified, proprietary, or protected information will be discussed.

The NRC's Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC Web site, [www.nrc.gov](http://www.nrc.gov), and contains information regarding visitors and security.

If you need a reasonable accommodation to participate in this meeting (e.g., a translator, handicapped accessibility), or need this meeting notice, the transcript, or other information from the meeting in another format (e.g., Braille, large print, a language other than English), please notify the NRC's meeting contact listed on the NRC Public Meeting Schedule or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connect to the meeting contact, Tara Inverso. Determinations on requests for reasonable accommodations will be made on a case-by-case basis.

Teleconferencing: Interested members of the public unable to attend the meeting may participate by telephone via a toll-free teleconference. For additional details, please call the NRC meeting contact listed on the NRC Public Meeting Schedule or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact, Tara Inverso. Those interested in participating in this meeting by teleconference should call or e-mail the meeting contact as soon as possible, but no later than May 23, 2012.

Web conferencing: Interested members of the public may participate remotely on the internet and via a toll-free audio teleconference bridgeline. For additional details, please call the NRC meeting contact listed on the NRC Public Meeting Schedule or call the NRC's toll-free number, 1-800-368-5642, and ask the operator to be connected to the meeting contact, Tara Inverso. Those interested in participating in this meeting by Web conference should call or e-mail the meeting contact as soon as possible, but no later than May 23, 2012.

Seating may be limited and will be available on a first-come basis. Inform the NRC's meeting contact of your intention to attend by May 23, 2012. This step will ensure that sufficient copies of meeting materials are available.

Because meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances such as severe weather, confirm the meeting schedule with the meeting contact.

S. Helton

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PARTICIPANTS:

NRC staff, interested stakeholders, and members of the public. Participants from the NRC include members of the Office of Nuclear Reactor Regulation (NRR) and the Office of General Counsel (OGC). Other participants will likely include the Nuclear Energy Institute (NEI).

NRC  
T. Inverso, NRR  
T. Reed, NRR

Industry  
NEI

Enclosure:  
Meeting Agenda

S. Helton

- 3 -

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<u>NRC</u>	<u>Industry</u>
T. Inverso, NRR	NEI
T. Reed, NRR	

Enclosure:  
Meeting Agenda

DISTRIBUTION:

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SHelton  
TInverso

ADAMS Accession No: ML12115A057 (Pkg.); ML12115A060 (Notice); ML12123A083 (Slides)

OFFICE	NRR/PRMB: PM	NRR/PRMB: RS	NRR/DPR:TA	NRR/DPR:BC
NAME	TInverso	CEngland	NValentine	SHelton
DATE	4/24/2012	4/24/2012	4/24/2012	5/01/2012

OFFICIAL RECORD COPY

**Public Meeting Agenda**  
**Cumulative Effects of Regulation**  
**May 31, 2012; 1 pm – 5 pm**

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|--|------------|
| 1. Welcome and Introductions   | 10 minutes |
| 2. Background  | 10 minutes |
| a. SECY-11-0032, “Consideration of the Cumulative Effects of Regulation in the Rulemaking Process,” dated March 2, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML110190027). |            |
| b. SRM-SECY-11-0032, “Consideration of the Cumulative Effects of Regulation in the Rulemaking Process,” dated October 11, 2011 (ADAMS Accession No. ML112840466).  |            |
| 3. Specific Topics for Discussion  | 2.5 hours  |
| a. CER Questions in Proposed Rule <i>Federal Register</i> notices  |            |
| b. Public Meetings on Implementation during the Final Rule Stage   |            |
| c. Applying Risk Insights to Prioritize Regulatory Actions   |            |
| d. Quantifying the Cumulative Impacts of Regulation  |            |
| e. Consideration of Other Regulatory Instruments   |            |
| f. Concurrent Rule and Guidance Publication  |            |
| 4. Post-Fukushima Activities and the CER Process   | 45 minutes |
| 5. External Stakeholder Comments   | 15 minutes |
| 6. Closing Comments  | 10 minutes |

Note: Provided times are estimated and for planning purposes only. Adjustments may be made during the meeting as necessary.