



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

May 27, 2021

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Mr. Andrew N. Mauer
Sr. Director, Regulatory Affairs
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: RESPONSE TO THE NUCLEAR ENERGY INSTITUTE'S LETTER
REGARDING THE NRC'S RETROSPECTIVE REVIEW OF
ADMINISTRATIVE REQUIREMENTS

Dear Mr. Mauer:

Thank you for your letter dated March 10, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21076A334](#)) from the Nuclear Energy Institute (NEI) to the U.S. Nuclear Regulatory Commission (NRC or the Commission). In the letter, NEI recommends that the NRC expedite its Retrospective Review of Administrative Requirements (RROAR) effort. The letter includes the following five recommendations:

- (1) Treat this effort as a model under the agency's Be riskSMART Decision-Making Framework and Process Simplification Transformation Initiative.
- (2) Reevaluate the RROAR project strategy to focus on tangible progress in the near term.
- (3) Work with external stakeholders to identify which of the administrative requirements are amenable to common solutions.
- (4) Communicate with external stakeholders on a monthly basis and in meaningful detail about the project status and the schedule for producing tangible results.
- (5) Involve external stakeholders in brainstorming and problem solving.

The NRC has been implementing many of these recommended actions and will continue to do so moving forward. Below are examples of the NRC's implementation of the recommendations:

- (1) We applied the Commission-approved criteria in SRM-COMSECY-18-0027 (ADAMS Accession No. ML18227A125), our programmatic experience, and the "Be risk SMART" decision-making framework to evaluate comments. In the comment evaluation process, we considered the intent of requirements, the risk of elimination or modification of a requirement on the NRC's mission, and the overall effect on resources. We also applied improvements identified from the Process Simplification Transformation Initiative, such as the use of modern information technology in the document development and concurrence processes.
- (2) We are applying the new [rulemaking decision guidance tool](#) and [rulemaking approach tool](#) (ADAMS Accession Nos. ML20266G457 and ML20266G456, respectively) in developing the rulemaking plan(s) that are to be submitted to the Commission by the

end of calendar year 2021. These tools help to identify the most effective and efficient approach for addressing rulemaking needs (such as determining whether a regulatory basis is needed) and achieving tangible progress in the near-term. We will continue to implement the “Be risk SMART” decision-making framework and Process Simplification Transformation Initiative throughout the rulemaking process.

- (3) We have conducted several public meetings (as you have outlined in the enclosure to the letter) to engage stakeholders and to discuss NEI’s submitted comments. We also established an agencywide working group and a steering committee to ensure a comprehensive and consistent evaluation of the comments, including those with crosscutting issues among different NRC programmatic areas (e.g., change processes similar to those in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59, “Changes, tests and experiments”; radiological effluent reports; security plan changes reports; emergency preparedness changes reports; etc.). We used a standardized review process developed for RROAR to reach common solutions and path forward.

We have scheduled a public meeting on Wednesday, June 30, 2021, from 10:00 a.m. to 12:00 p.m. EST to discuss the results of the RROAR evaluation and the path forward. We encourage feedback and further discussion on your recommendations as part of this meeting. We will use the feedback from the discussions to inform the rulemaking plan development for the revisions of administrative requirements, as appropriate. If the Commission approves the rulemaking plan(s), we will continue stakeholder engagement during the rulemaking process.

NEI also requested that the NRC provide an update on the petition for rulemaking PRM-50-116, “Petition for Rulemaking to Amend 10 CFR 50.72, ‘Immediate Notification Requirements for Operating Nuclear Power Reactors,’” dated August 2, 2018 (ADAMS Accession No. ML18247A204). PRM-50-116 is currently being evaluated by the NRC and will be addressed in the NRC’s process for petitions for rulemaking. On May 12, 2021, the NRC sent NEI a status update email (ADAMS Accession No. [ML21133A282](#)).

We appreciate your feedback and share your view that this effort will help the NRC and the industry to continue to focus on what matters most to nuclear safety.

Sincerely,



Signed by Coyne, Kevin
on 05/27/21

Kevin Coyne, Deputy Director
Division of Rulemaking, Environmental, and
Financial Support
Office of Nuclear Material Safety and Safeguards

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