RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

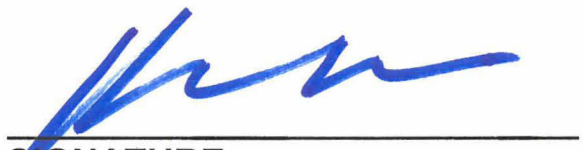
FROM: CHAIRMAN SVINICKI

SUBJECT: COMSECY-16-0029: FINAL RULEMAKING PLAN

Approved XX **Disapproved** _____ **Abstain** _____ **Not Participating** _____

COMMENTS: **Below** XX **Attached** XX **None** _____

I approve the staff's proposed final rulemaking plan template, subject to the attached edits. I approve the staff's additional request to make future minor editorial and formatting changes or updates to the final rulemaking plan template without Commission review and approval, provided that the Commission is informed of any proposed changes through a Commissioner Assistants note, no less than 30 days in advance of any such changes being implemented.



SIGNATURE

1 / 2 / 2019

DATE

Entered on "STARS" Yes ✓ **No** ___

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

<INSERT: DATE>

KLS Edits

FOR: The Commissioners

FROM: <INSERT: NAME>
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON <INSERT: TOPIC>

PURPOSE:

The purpose of this paper is to request Commission approval to initiate a rulemaking about <INSERT: a brief description of topic>. This rulemaking would <INSERT: a brief description of the proposed change to the NRC's regulations>.

<INSERT, if applicable:

SUMMARY:

A summary section is required on all papers that are six or more pages. Summarize the major issues, recommendations, etc.>.

BACKGROUND:

In the staff requirements memorandum (SRM) for SECY-15-0129, "Commission Involvement in Early Stages of Rulemaking," dated February 3, 2016, the Commission approved institution of a requirement for a streamlined rulemaking plan in the form of a SECY paper that would request Commission approval to initiate all rulemakings not already explicitly delegated to the staff as a staff-delegated rulemaking (Accession No. ML16056A614 in the NRC's Agencywide Documents Access and Management System (ADAMS)). Accordingly, the staff requests approval to initiate a rulemaking about <INSERT: a brief description of topic>.

<INSERT: a summary of the reason to pursue rulemaking (consider answering these questions: what is the current regulation, what is the problem with the current regulation, what is the high-level aim of the rulemaking/regulatory change (for example, would the rule enhance safety and/or reduce regulatory burden), what information about the policy issue is already available

CONTACTS: <INSERT: Name, OFF/DIV>
<INSERT: 301-XXX-XXXX>

ADAMS Accession No. MLXXXXXXXX

(this might include previous Commission direction, statutes, stakeholder feedback, etc.). Describe any internal or external drivers for rulemaking (e.g., new Congressional mandate, Executive Order, petition for rulemaking (PRM))>.

DISCUSSION:

Title

<INSERT: title of proposed rulemaking>.

Regulation

<INSERT: all parts of the *Code of Federal Regulations* that would be affected by this proposed rulemaking>.

~~Estimated Schedule~~

~~Initiate regulatory basis phase—<INSERT: Month, Year>.~~
~~Complete regulatory basis—<INSERT: Month, Year>.~~
~~Publish proposed rule—<INSERT: Month, Year>.~~
~~Publish final rule—<INSERT: Month, Year>.~~

~~Preliminary Priority~~

~~Based on the Common Prioritization of Rulemaking (CPR) prioritization methodology (ADAMS Accession No. ML15086A074), the preliminary priority for this rulemaking activity is <SELECT: high/medium/low>. <INSERT: a brief discussion of the basis for the preliminary priority determination>. The priority for a rulemaking activity can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.~~

~~Description and Scope~~Regulatory Issue

<INSERT: a discussion that defines the regulatory issue (i.e., what CFR parts would change and who would be affected)~~,~~.

Existing Regulatory Framework

<INSERT: a discussion that describes the existing regulatory framework (i.e., regulations and guidance)~~,~~.

Explanation of Why Rulemaking is the Preferred Solution

<INSERT: a discussion that identifies regulatory options and alternatives to rulemaking~~,~~ and explains why rulemaking is preferable to these other alternatives (i.e., what is the benefit of the regulatory change; what is the benefit of using the rulemaking process; if the rule would not reduce burden, what types of additional costs might there be)>.

Description of Rulemaking

Scope

<INSERT: a discussion that defines the scope of the rulemaking.

~~Costs and Benefits~~

~~The proposed action is estimated to involve a <SELECT: high/medium/low> magnitude of costs through <INSERT: a brief description of the estimate of the magnitude of the costs of the proposed action>. The proposed action is estimated to provide the following benefits: <INSERT: list and describe the benefits (in terms of pros/cons) of the proposed change>.~~

Preliminary Backfitting and Issue Finality Analysis ~~(As applicable)~~

<INSERT: a brief description of whether the staff expects that the proposed change will constitute backfitting or a matter of issue finality. For such matters, discuss whether one or more of the exceptions to preparing a backfit analysis are likely to apply and be relied upon by the staff. Otherwise, preliminarily identify the potential safety or security significance of the action, and the nature of the cost of the possible backfitting, to the extent known. Identify the bases for the discussion of the significance and cost determination, or identify the information to be developed to support the backfitting determination>.

Estimated Schedule

Initiate regulatory basis phase—<INSERT: Month, Year>.
Complete regulatory basis—<INSERT: Month, Year>.
Publish proposed rule—<INSERT: Month, Year>.
Publish final rule—<INSERT: Month, Year>.

Preliminary Recommendation on Priority

Based on the Common Prioritization of Rulemaking (CPR) prioritization methodology (ADAMS Accession No. ML15086A074), the preliminary priority for this rulemaking activity is <SELECT: high/medium/low>. <INSERT: a brief discussion of the basis for the preliminary priority determination>. The priority for a rulemaking activity can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.

~~Costs and Benefits~~Estimate of Resources

The proposed action is estimated to involve a <SELECT: high/medium/low> magnitude of costs through <INSERT: a brief description of the estimate of the magnitude of the costs of the proposed action>. The proposed action is estimated to provide the following benefits: <INSERT: list and describe the benefits (in terms of pros/cons) of the proposed change>.

Cumulative Effects of Regulation ~~(As applicable)~~

<INSERT: a preliminary assessment of the cumulative effects of regulation, to the extent known, including a description of any early stakeholder engagement upon which this assessment is based. Include in the discussion whether there are any critical skill sets within the NRC or impacted entities that will affect implementation, whether there are ongoing NRC activities that will impact the implementation of the proposed change, and an overview of preliminary plans for interactions with external stakeholders during the development of the rulemaking>.

Agreement State Considerations ~~(As applicable)~~

<INSERT: a brief description of any Agreement State considerations and how they will be addressed. All rulemaking plans shall include Agreement State compatibility classifications for the proposed rule>.

Guidance

The staff estimates that the following guidance document(s) will be updated in parallel with the rulemaking: <INSERT: a list the guidance documents>. <INSERT, if applicable: The staff also estimates that new guidance documents(s) on <INSERT: topic(s)> will need to be developed in parallel with the rulemaking>.

Advisory Committee on Reactor Safeguards (ACRS) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for ACRS review, including any details of that review process such as timing>.

Committee to Review Generic Requirements (CRGR) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for CRGR review including any details of that review process such as timing>. [NOTE: The rulemaking office will request a CRGR review of the rulemaking package when any one of the following conditions is met:

a. In the rulemaking plan, the staff indicated that the rulemaking would not constitute backfitting. However, in developing the proposed rule, the staff identifies that a backfit is possible.
b. The regulatory basis identifies significant costs incurred as a result of the proposed rulemaking~~,~~ and qualitative factors were used to justify the rulemaking.
c. There is substantial uncertainty (in the statistical sense) in the quantitative benefit determinations in the backfit analysis.
~~c.~~d. The backfitting is justified or issue finality provisions in 10 CFR part 52 are avoided based on reliance on the compliance exception or adequate protection exception and an imminent threat assessment is included in the rulemaking plan.
~~d.~~e. The EDO directs that the CRGR review the rulemaking package, or substantive concerns have been raised by stakeholders or NRC staff regarding the backfit or regulatory analysis.]

Advisory Committee on the Medical Use of Isotopes (ACMUI) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for ACMUI review, including any details of that review process such as timing>.

Analysis of Legal Matters

<OGC will select, as appropriate:

Enclosure 1 includes the Office of the General Counsel's analysis of legal matters associated with this rulemaking.

OR

OGC has reviewed this rulemaking plan and has not identified any issues necessitating a separate legal analysis at this time>.

COMMITMENT:

If the Commission approves initiation of the rulemaking, in accordance with SECY-16-0042, "Recommended Improvements for Rulemaking Tracking and Reporting," dated April 4, 2016 (ADAMS Accession No. ML16075A070), the staff will add the rulemaking activity to the agency's rulemaking tracking tool.

RECOMMENDATION:

The NRC staff recommends that the Commission approve initiation of a rulemaking about <INSERT: brief description of topic>.

The staff also recommends that the Commission approve its recommendations on <SELECT: as appropriate ACRS ~~and~~ CRGR ~~review~~ AND/OR ACRS~~, CRGR, and ACMUI~~ review>.

RESOURCES:

Enclosure <1 or 2> includes an estimate of the resources needed to complete this rulemaking.

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure <1 or 2..

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
< 1. Analysis of Legal Matters>
<1. or 2.> Resources

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure 2.

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
1. Analysis of Legal Matters
2. Resources

DISTRIBUTION:

ADAMS Accession Number: MLXXXXXXXX (Package) *via e-mail concurrence

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AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: COMSECY-16-0029: FINAL RULEMAKING PLAN TEMPLATE

Approved _X_ **Disapproved** __ **Abstain** __ **Not Participating** __

Comments: **Below** _X_ **Attached** _X_ **None** __

The staff's proposed final rulemaking plan template implements the Commission's prior direction while including several worthwhile refinements and clarifications. I approve the final rulemaking plan template, subject to the attached edits. I would delete the language listing the specific conditions that would trigger a review by the Committee to Review Generic Requirements (CRGR). In my view, this level of detail is unnecessary for the template and is more appropriate for inclusion in the staff's revision of Management Directive 6.3, "The Rulemaking Process." With this edit, the template's section on CRGR review would track the section on Advisory Committee on Reactor Safeguards review. Moreover, the Commission did not direct the staff to include the conditions that trigger CRGR review in the template, but instead requested that they be provided in an information paper (which was issued on May 23, 2016). Including these triggering criteria in the Commission-approved template would limit the staff's ability to modify the criteria in the future.

Entered in STARS
Yes X
No _____

_____
SIGNATURE
12/9/16
_____
DATE

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

<INSERT: DATE>

JMB Edits

FOR: The Commissioners

FROM: <INSERT: NAME>
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON <INSERT: TOPIC>

PURPOSE:

The purpose of this paper is to request Commission approval to initiate a rulemaking about <INSERT: brief description of topic>. This rulemaking would <INSERT: a brief description of the proposed change to the NRC's regulations>.

<INSERT, if applicable:

SUMMARY:

A summary section is required on all papers that are six or more pages. Summarize the major issues, recommendations, etc.>.

BACKGROUND:

In the staff requirements memorandum (SRM) for SECY-15-0129, "Commission Involvement in Early Stages of Rulemaking," dated February 3, 2016, the Commission approved institution of a requirement for a streamlined rulemaking plan in the form of a SECY paper that would request Commission approval to initiate all rulemakings not already explicitly delegated to the staff as a staff-delegated rulemaking (Accession No. ML16056A614 in the NRC's Agencywide Documents Access and Management System (ADAMS)). Accordingly, the staff requests approval to initiate a rulemaking about <INSERT: a brief description of topic>.

<INSERT: a summary of the reason to pursue rulemaking (consider answering these questions: what is the current regulation, what is the problem with the current regulation, what is the high-level aim of the rulemaking/regulatory change (for example, would the rule enhance safety and/or reduce regulatory burden), what information about the policy issue is already available

CONTACTS: <INSERT: Name, OFF/DIV>
<INSERT: 301-XXX-XXXX>

ADAMS Accession No. MLXXXXXXXX

(this might include previous Commission direction, statutes, stakeholder feedback, etc.). Describe any internal or external drivers for rulemaking (e.g., new Congressional mandate, Executive Order, petition for rulemaking (PRM)>.

DISCUSSION:

Title

<INSERT: title of proposed rulemaking>.

Regulation

<INSERT: all parts of the *Code of Federal Regulations* that would be affected by this proposed rulemaking>.

Estimated Schedule

Initiate regulatory basis phase—<INSERT: Month, Year>.
Complete regulatory basis—<INSERT: Month, Year>.
Publish proposed rule—<INSERT: Month, Year>.
Publish final rule—<INSERT: Month, Year>.

Preliminary Priority

Based on the Common Prioritization of Rulemaking (CPR) prioritization methodology (ADAMS Accession No. ML15086A074), the preliminary priority for this rulemaking activity is <SELECT: high/medium/low>. <INSERT: a brief discussion of the basis for the preliminary priority determination>. The priority for a rulemaking activity can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.

Description and Scope

<INSERT: a discussion that defines the regulatory issue (i.e., what CFR parts would change and who would be affected), describes the existing regulatory framework (i.e., regulations and guidance), identifies regulatory options and alternatives to rulemaking, and explains why rulemaking is preferable to these other alternatives (i.e., what is the benefit of the regulatory change; what is the benefit of using the rulemaking process; if the rule would not reduce burden, what types of additional costs might there be>.

Costs and Benefits

The proposed action is estimated to involve a <SELECT: high/medium/low> magnitude of costs through <INSERT: a brief description of the estimate of the magnitude of the costs of the proposed action>. The proposed action is estimated to provide the following benefits: <INSERT: list and describe the benefits (in terms of pros/cons) of the proposed change>.

Backfitting and Issue Finality (As applicable)

<INSERT: a brief description of whether the staff expects that the proposed change will constitute backfitting or a matter of issue finality. For such matters, discuss whether one or more of the exceptions to preparing a backfit analysis are likely to apply and be relied upon by the staff. Otherwise, identify the potential safety or security significance of the action, and the nature of the cost of the possible backfitting, to the extent known. Identify the bases for the discussion of the significance and cost determination, or identify the information to be developed to support the backfitting determination>.

Cumulative Effects of Regulation (As applicable)

<INSERT: a preliminary assessment of the cumulative effects of regulation, to the extent known, including a description of any early stakeholder engagement upon which this assessment is based. Include in the discussion whether there are any critical skill sets within the NRC or impacted entities that will affect implementation, whether there are ongoing NRC activities that will impact the implementation of the proposed change, and an overview of preliminary plans for interactions with external stakeholders during the development of the rulemaking>.

Agreement State Considerations (As applicable)

<INSERT: a brief description of any Agreement State considerations and how they will be addressed. All rulemaking plans shall include Agreement State compatibility classifications for the proposed rule>.

Guidance

The staff estimates that the following guidance document(s) will be updated in parallel with the rulemaking: <INSERT: a list the guidance documents>. <INSERT, if applicable: The staff also estimates that new guidance documents(s) on <INSERT: topic(s)> will need to be developed in parallel with the rulemaking>.

Advisory Committee on Reactor Safeguards (ACRS) Review (As applicable)

The staff recommends that <INSERT: the staff's recommendation on the need for ACRS review, including any details of that review process such as timing>.

Committee to Review Generic Requirements (CRGR) Review (As applicable)

The staff recommends that <INSERT: the staff's recommendation on the need for CRGR review including any details of that review process such as timing>. ~~[NOTE: The rulemaking office will request a CRGR review of the rulemaking package when any one of the following conditions is met:~~

~~a. In the rulemaking plan, the staff indicated that the rulemaking would not constitute backfitting. However, in developing the proposed rule, the staff identifies that a backfit is possible.~~

~~b. The regulatory basis identifies significant costs incurred as a result of the proposed rulemaking, and qualitative factors were used to justify the rulemaking.~~
~~c. There is substantial uncertainty (in the statistical sense) in the quantitative benefit determinations in the backfit analysis. The backfitting is justified or issue finality provisions in 10 CFR part 52 are avoided based on reliance on the compliance exception or adequate protection exception.~~
~~d. The EDO directs that the CRGR review the rulemaking package, or substantive concerns have been raised by stakeholders or NRC staff regarding the backfit or regulatory analysis.]~~

Advisory Committee on the Medical Use of Isotopes (ACMUI) (As applicable)

The staff recommends that <INSERT: the staff's recommendation on the need for ACMUI review, including any details of that review process such as timing>.

Analysis of Legal Matters

<OGC will select, as appropriate:

Enclosure 1 includes the Office of the General Counsel's analysis of legal matters associated with this rulemaking.

OR

OGC has reviewed this rulemaking plan and has not identified any issues necessitating a separate legal analysis at this time>.

COMMITMENT:

If the Commission approves initiation of the rulemaking, in accordance with SECY-16-0042, "Recommended Improvements for Rulemaking Tracking and Reporting," dated April 4, 2016 (ADAMS Accession No. ML16075A070), the staff will add the rulemaking activity to the agency's rulemaking tracking tool.

RECOMMENDATION:

The NRC staff recommends that the Commission approve initiation of a rulemaking about <INSERT: brief description of topic>.

The staff also recommends that the Commission approve its recommendations on <SELECT: ACRS and CRGR review OR ACRS, CRGR, and ACMUI review>.

RESOURCES:

Enclosure 2 includes an estimate of the resources needed to complete this rulemaking.

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure 2.

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
1. Analysis of Legal Matters
2. Resources

AFFIRMATION ITEM

RESPONSE SHEET

TO: **Annette Vietti-Cook, Secretary**

FROM: **Chairman Burns**

SUBJECT: **COMSECY-16-0029: FINAL RULEMAKING PLAN TEMPLATE**

Approved _X_ Disapproved __ Abstain __ Not Participating __

Comments: Below _X_ Attached _X_ None __

I approve the final rulemaking plan template, subject to the attached edits. The original rulemaking plan template included a section entitled, "Relationship of the Work to the NRC's Strategic Plan." I approve deleting this section from the final rulemaking template because it is redundant with the "Preliminary Priority" section. Although the two sections are redundant, the "Relationship to the Work to the NRC's Strategic Plan" section provided specific guidance to the staff that is not included in the "Preliminary Priority" section that could be useful in decision making as to whether rulemaking is warranted. Accordingly, the "Preliminary Priority" section should be revised to include the guidance in "Relationship of the Work to the NRC's Strategic Plan" section of the original rulemaking plan template.

I agree with Commissioner Baran, that language listing specific conditions that would trigger a review by the Committee to Review Generic Requirements (CRGR) should be deleted from the template's section on CRGR review. The Commission did not direct the staff to include the conditions that trigger CRGR review in the rulemaking plan template. Furthermore, the guidance provided seems to be based on information the staff would not have at the rulemaking planning stage and would be gathered while developing the proposed rule.

Finally, I approve the staff's request to make future minor editorial and formatting changes or updates to the final rulemaking plan template without seeking Commission approval.

Entered in STARS
Yes X
No

SIGNATURE
14 December 2016
DATE

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

SGB edits

<INSERT: DATE>

FOR: The Commissioners

FROM: <INSERT: NAME>
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON <INSERT: TOPIC>

PURPOSE:

The purpose of this paper is to request Commission approval to initiate a rulemaking about <INSERT: brief description of topic>. This rulemaking would <INSERT: a brief description of the proposed change to the NRC's regulations>.

<INSERT, if applicable:

SUMMARY:

A summary section is required on all papers that are six or more pages. Summarize the major issues, recommendations, etc.>.

BACKGROUND:

In the staff requirements memorandum (SRM) for SECY-15-0129, "Commission Involvement in Early Stages of Rulemaking," dated February 3, 2016, the Commission approved institution of a requirement for a streamlined rulemaking plan in the form of a SECY paper that would request Commission approval to initiate all rulemakings not already explicitly delegated to the staff as a staff-delegated rulemaking (Accession No. ML16056A614 in the NRC's Agencywide Documents Access and Management System (ADAMS)). Accordingly, the staff requests approval to initiate a rulemaking about <INSERT: a brief description of topic>.

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CONTACTS: <INSERT: Name, OFF/DIV>
<INSERT: 301-XXX-XXXX>

ADAMS Accession No. MLXXXXXXXX

(this might include previous Commission direction, statutes, stakeholder feedback, etc.). Describe any internal or external drivers for rulemaking (e.g., new Congressional mandate, Executive Order, petition for rulemaking (PRM)>.

DISCUSSION:

Title

<INSERT: title of proposed rulemaking>.

Regulation

<INSERT: all parts of the *Code of Federal Regulations* that would be affected by this proposed rulemaking>.

Estimated Schedule

Initiate regulatory basis phase—<INSERT: Month, Year>.
Complete regulatory basis—<INSERT: Month, Year>.
Publish proposed rule—<INSERT: Month, Year>.
Publish final rule—<INSERT: Month, Year>.

Preliminary Priority

Based on the Common Prioritization of Rulemaking (CPR) prioritization methodology (ADAMS Accession No. ML15086A074), the preliminary priority for this rulemaking activity is <SELECT: high/medium/low>. <INSERT: a brief discussion of the basis for the preliminary priority determination>. The priority for a rulemaking activity can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.

Insert the guidance in the original rulemaking plan template in COMSECY-15-0129 for the deleted section entitled "Relationship of the Work to the NRC' Strategic Plan."

- Briefly describe the impact on the Safety/Security goals, impact on regulatory efficiency, specify any new mandate, statute, Executive Order, international treaty, etc. that is driving the rulemaking
- How does the rulemaking relate to the 4 factors in the Common Prioritization of Rulemaking prioritization method?
- How significant of an impact would the regulatory change have on safety or security?
- How significant of an impact would the regulatory change have on efficient and effective regulation?
- Has any external organization (e.g., Congress, the White House, other Federal agency, State agency, foreign government) requested or directed the regulatory change?
- What level and/or type of public participation is expected?

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Description and Scope

<INSERT: a discussion that defines the regulatory issue (i.e., what CFR parts would change and who would be affected), describes the existing regulatory framework (i.e., regulations and guidance), identifies regulatory options and alternatives to rulemaking, and explains why rulemaking is preferable to these other alternatives (i.e., what is the benefit of the regulatory change; what is the benefit of using the rulemaking process; if the rule would not reduce burden, what types of additional costs might there be>.

Costs and Benefits

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<INSERT: a brief description of whether the staff expects that the proposed change will constitute backfitting or a matter of issue finality. For such matters, discuss whether one or more of the exceptions to preparing a backfit analysis are likely to apply and be relied upon by the staff. Otherwise, identify the potential safety or security significance of the action, and the nature of the cost of the possible backfitting, to the extent known. Identify the bases for the discussion of the significance and cost determination, or identify the information to be developed to support the backfitting determination>.

Cumulative Effects of Regulation ~~(As applicable)~~

<INSERT: a preliminary assessment of the cumulative effects of regulation, to the extent known, including a description of any early stakeholder engagement upon which this assessment is based. Include in the discussion whether there are any critical skill sets within the NRC or impacted entities that will affect implementation, whether there are ongoing NRC activities that will impact the implementation of the proposed change, and an overview of preliminary plans for interactions with external stakeholders during the development of the rulemaking>.

Agreement State Considerations ~~(As applicable)~~

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Guidance

The staff estimates that the following guidance document(s) will be updated in parallel with the rulemaking: <INSERT: a list the guidance documents>. <INSERT, if applicable: The staff also estimates that new guidance documents(s) on <INSERT: topic(s)> will need to be developed in parallel with the rulemaking>.

Advisory Committee on Reactor Safeguards (ACRS) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for ACRS review, including any details of that review process such as timing>.

Committee to Review Generic Requirements (CRGR) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for CRGR review including any details of that review process such as timing>. ~~[NOTE: The rulemaking office will request a CRGR review of the rulemaking package when any one of the following conditions is met:~~

~~a. In the rulemaking plan, the staff indicated that the rulemaking would not constitute backfitting. However, in developing the proposed rule, the staff identifies that a backfit is possible.~~

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~~b. The regulatory basis identifies significant costs incurred as a result of the proposed rulemaking, and qualitative factors were used to justify the rulemaking.~~
~~c. There is substantial uncertainty (in the statistical sense) in the quantitative benefit determinations in the backfit analysis. The backfitting is justified or issue finality provisions in 10 CFR part 52 are avoided based on reliance on the compliance exception or adequate protection exception.~~
~~d. The EDO directs that the CRGR review the rulemaking package, or substantive concerns have been raised by stakeholders or NRC staff regarding the backfit or regulatory analysis.]~~

Advisory Committee on the Medical Use of Isotopes (ACMUI) (~~As applicable~~)

The staff recommends that <INSERT: the staff's recommendation on the need for ACMUI review, including any details of that review process such as timing>.

Analysis of Legal Matters

<OGC will select, as appropriate:

Enclosure 1 includes the Office of the General Counsel's analysis of legal matters associated with this rulemaking.

OR

OGC has reviewed this rulemaking plan and has not identified any issues necessitating a separate legal analysis at this time>.

COMMITMENT:

If the Commission approves initiation of the rulemaking, in accordance with SECY-16-0042, "Recommended Improvements for Rulemaking Tracking and Reporting," dated April 4, 2016 (ADAMS Accession No. ML16075A070), the staff will add the rulemaking activity to the agency's rulemaking tracking tool.

RECOMMENDATION:

The NRC staff recommends that the Commission approve initiation of a rulemaking about <INSERT: brief description of topic>.

The staff also recommends that the Commission approve its recommendations on <SELECT: ACRS ~~and CRGR~~ review OR ACRS~~, CRGR~~, and ACMUI review>.

RESOURCES:

Enclosure 2 includes an estimate of the resources needed to complete this rulemaking.

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure 2.

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
1. Analysis of Legal Matters
2. Resources

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Caputo

SUBJECT: COMSECY-16-0029: FINAL RULEMAKING PLAN TEMPLATE

Approved X **Disapproved** __ **Abstain** __ **Not Participating** __

Comments: **Below** X **Attached** X **None** __

Approved, subject to the attached edits.

Entered in STARS
Yes X
No _____

SIGNATURE

1/2/2019

DATE

AXC Comments:

In the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2016 (Public Law 114-113), Congress stated that the authority to compel and bind private entities and individuals to certain actions is a significant authority under the law and as such directed the Commission itself to decide whether to initiate rulemaking or the development of regulatory analyses to advance new regulatory requirements in all cases involving the commitment of resources. In addition, Commission decisions would be informed by a rulemaking plan that would include several factors that were described in the Joint Explanatory Statement.

I approve the final rulemaking plan template, subject to the attached edits. As modified, the final rulemaking plan template is consistent with the language included in the Joint Explanatory Statement

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

<INSERT: DATE>

AXC edits

FOR: The Commissioners

FROM: <INSERT: NAME>
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON <INSERT: TOPIC>

PURPOSE:

The purpose of this paper is to request Commission approval to initiate a rulemaking about <INSERT: a brief description of topic>. This rulemaking would <INSERT: a brief description of the proposed change to the NRC's regulations>.

<INSERT, if applicable:

SUMMARY:

A summary section is required on all papers that are six or more pages. Summarize the major issues, recommendations, etc.>.

BACKGROUND:

In the staff requirements memorandum (SRM) for SECY-15-0129, "Commission Involvement in Early Stages of Rulemaking," dated February 3, 2016, the Commission approved institution of a requirement for a streamlined rulemaking plan in the form of a SECY paper that would request Commission approval to initiate all rulemakings not already explicitly delegated to the staff as a staff-delegated rulemaking (Accession No. ML16056A614 in the NRC's Agencywide Documents Access and Management System (ADAMS)). Accordingly, the staff requests approval to initiate a rulemaking about <INSERT: a brief description of topic>.

<INSERT: a summary of the reason to pursue rulemaking (consider answering these questions: what is the current regulation, what is the problem with the current regulation, what is the high-level aim of the rulemaking/regulatory change (for example, would the rule enhance safety and/or reduce regulatory burden), what information about the policy issue is already available

CONTACTS: <INSERT: Name, OFF/DIV>
<INSERT: 301-XXX-XXXX>

ADAMS Accession No. MLXXXXXXXX

(this might include previous Commission direction, statutes, stakeholder feedback, etc.). Describe any internal or external drivers for rulemaking (e.g., new Congressional mandate, Executive Order, petition for rulemaking (PRM)>.

DISCUSSION:

Title

<INSERT: title of proposed rulemaking>.

Regulation

<INSERT: all parts of the *Code of Federal Regulations* that would be affected by this proposed rulemaking>.

~~Estimated Schedule~~

~~Initiate regulatory basis phase—<INSERT: Month, Year>.~~
~~Complete regulatory basis—<INSERT: Month, Year>.~~
~~Publish proposed rule—<INSERT: Month, Year>.~~
~~Publish final rule—<INSERT: Month, Year>.~~

~~Preliminary Priority~~

~~Based on the Common Prioritization of Rulemaking (CPR) prioritization methodology (ADAMS Accession No. ML15086A074), the preliminary priority for this rulemaking activity is <SELECT: high/medium/low>. <INSERT: a brief discussion of the basis for the preliminary priority determination>. The priority for a rulemaking activity can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.~~

~~Description and Scope~~Regulatory Issue

<INSERT: a discussion that defines the regulatory issue (i.e., what CFR parts would change and who would be affected)>.

Existing Regulatory Framework~~,~~

<Insert: a discussion that describes the existing regulatory framework (i.e., regulations and guidance)>.

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Explanation of Why Rulemaking is the Preferred Solution~~,~~

<Insert: a discussion that identifies regulatory options and alternatives to rulemaking, and explains why rulemaking is preferable to these other alternatives (i.e., what is the benefit of the regulatory change; what is the benefit of using the rulemaking process; if the rule would not reduce burden, what types of additional costs might there be>.

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Description of Rulemaking

Scope

<Insert: a discussion that defines the scope of the rulemaking.>

Preliminary Backfitting and Issue Finality Analysis ~~(As applicable)~~

<INSERT: a brief description of whether the staff expects that the proposed change will constitute backfitting or a matter of issue finality. For such matters, discuss whether one or more of the exceptions to preparing a backfit analysis are likely to apply and be relied upon by the staff. Otherwise, preliminarily identify the potential safety or security significance of the action, and the nature of the cost of the possible backfitting, to the extent known. Identify the bases for the discussion of the significance and cost determination, or identify the information to be developed to support the backfitting determination>.

E~~E~~stimated Schedule

Initiate regulatory basis phase—<INSERT: Month, Year>.
Complete regulatory basis—<INSERT: Month, Year>.
Publish proposed rule—<INSERT: Month, Year>.
Publish final rule—<INSERT: Month, Year>.

Preliminary Recommendation on Priority

Based on the Common Prioritization of Rulemaking (CPR) prioritization methodology (ADAMS Accession No. ML15086A074), the preliminary priority for this rulemaking activity is <SELECT: high/medium/low>. <INSERT: a brief discussion of the basis for the preliminary priority determination>. The priority for a rulemaking activity can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.>

Estimate of Resources~~Costs and Benefits~~

The proposed action is estimated to involve a <SELECT: high/medium/low> magnitude of costs through <INSERT: a brief description of the estimate of the magnitude of the costs of the proposed action>. The proposed action is estimated to provide the following benefits: <INSERT: list and describe the benefits (in terms of pros/cons) of the proposed change>.

~~Backfitting and Issue Finality (As applicable)~~

~~<INSERT: a brief description of whether the staff expects that the proposed change will constitute backfitting or a matter of issue finality. For such matters, discuss whether one or more of the exceptions to preparing a backfit analysis are likely to apply and be relied upon by the staff. Otherwise, identify the potential safety or security significance of the action, and the nature of the cost of the possible backfitting, to the extent known. Identify the bases for the discussion of the significance and cost determination, or identify the information to be developed to support the backfitting determination>.~~

Cumulative Effects of Regulation ~~(As applicable)~~

<INSERT: a preliminary assessment of the cumulative effects of regulation, to the extent known, including a description of any early stakeholder engagement upon which this assessment is based. Include in the discussion whether there are any critical skill sets within the NRC or impacted entities that will affect implementation, whether there are ongoing NRC activities that will impact the implementation of the proposed change, and an overview of preliminary plans for interactions with external stakeholders during the development of the rulemaking>.

Agreement State Considerations ~~(As applicable)~~

<INSERT: a brief description of any Agreement State considerations and how they will be addressed. All rulemaking plans shall include Agreement State compatibility classifications for the proposed rule>.

Guidance

The staff estimates that the following guidance document(s) will be updated in parallel with the rulemaking: <INSERT: a list of the guidance documents>. <INSERT, if applicable: The staff also estimates that new guidance documents(s) on <INSERT: topic(s)> will need to be developed in parallel with the rulemaking>.

Advisory Committee on Reactor Safeguards (ACRS) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for ACRS review, including any details of that review process such as timing>.

Committee to Review Generic Requirements (CRGR) Review ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for CRGR review including any details of that review process such as timing>. [NOTE: The rulemaking office will request a CRGR review of the rulemaking package when any one of the following conditions is met:

a. In the rulemaking plan, the staff indicated that the rulemaking would not constitute backfitting. However, in developing the proposed rule, the staff identifies that a backfit is possible.

b. The regulatory basis identifies significant costs incurred as a result of the proposed rulemaking, and qualitative factors were used to justify the rulemaking.
c. There is substantial uncertainty (in the statistical sense) in the quantitative benefit determinations in the backfit analysis.
~~c.~~d. The backfitting is justified or issue finality provisions in 10 CFR part 52 are avoided based on reliance on the compliance exception or adequate protection exception and an imminent threat assessment is included in the rulemaking plan.
~~d.~~e. The EDO directs that the CRGR review the rulemaking package, or substantive concerns have been raised by stakeholders or NRC staff regarding the backfit or regulatory analysis.]

Advisory Committee on the Medical Use of Isotopes (ACMUI) ~~(As applicable)~~

The staff recommends that <INSERT: the staff's recommendation on the need for ACMUI review, including any details of that review process such as timing>.

Analysis of Legal Matters

<OGC will select, as appropriate:

Enclosure 1 includes the Office of the General Counsel's analysis of legal matters associated with this rulemaking.

OR

OGC has reviewed this rulemaking plan and has not identified any issues necessitating a separate legal analysis at this time>.

COMMITMENT:

If the Commission approves initiation of the rulemaking, in accordance with SECY-16-0042, "Recommended Improvements for Rulemaking Tracking and Reporting," dated April 4, 2016 (ADAMS Accession No. ML16075A070), the staff will add the rulemaking activity to the agency's rulemaking tracking tool.

RECOMMENDATION:

The NRC staff recommends that the Commission approve initiation of a rulemaking about <INSERT: brief description of topic>.

The staff also recommends that the Commission approve its recommendations on <SELECT: ACRS and CRGR review OR ACRS, CRGR, and ACMUI review>.

RESOURCES:

Enclosure <1 or 2> includes an estimate of the resources needed to complete this rulemaking.

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure <1 or 2.

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
~~1.~~ <1. Analysis of Legal Matters>
~~2.~~ <1. or 2.> Resources

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COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure 2.

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
1. Analysis of Legal Matters
2. Resources

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RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Wright

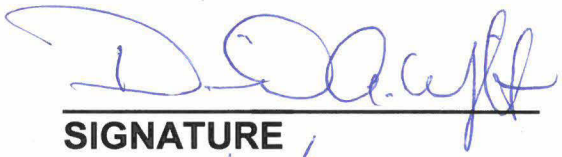
SUBJECT: COMSECY-16-0029: FINAL RULEMAKING PLAN TEMPLATE

Approved X **Disapproved** __ **Abstain** __ **Not Participating** __

Comments: **Below** X **Attached** X **None** __

Original vote date: January 2, 2019.

Entered in STARS
Yes √
No _____



SIGNATURE

1/10/2019

DATE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Wright

SUBJECT: COMSECY-16-0029: FINAL RULEMAKING PLAN TEMPLATE

Approved _X_ **Disapproved** __ **Abstain** __ **Not Participating** __

Comments: **Below** _X_ **Attached** _X_ **None** __

I approve the final rulemaking plan template, subject to the attached edits. I also approve the staff's request for the authority to make minor editorial and formatting changes or updates to the template and keep the Commission informed of such changes via Commissioners' Assistants notes.

Entered in STARS
Yes ✓
No _____

Catherine Kanatas for DAW
SIGNATURE

11/21/19
DATE

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

DAW Edits

<INSERT: DATE>

FOR: The Commissioners

FROM: <INSERT: NAME>
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON <INSERT: TOPIC>

PURPOSE:

The purpose of this paper is to request Commission approval to initiate a rulemaking about <INSERT: a brief description of topic>. This rulemaking would <INSERT: a brief description of the proposed change to the NRC's regulations>.

<INSERT, if applicable:>

SUMMARY:

A summary section is required on all papers that are six or more pages. Summarize the major issues, recommendations, etc.>.

BACKGROUND:

In the staff requirements memorandum (SRM) for SECY-15-0129, "Commission Involvement in Early Stages of Rulemaking," dated February 3, 2016, the Commission approved institution of a requirement for a streamlined rulemaking plan in the form of a SECY paper that would request Commission approval to initiate all rulemakings not already explicitly delegated to the staff as a staff-delegated rulemaking (Accession No. ML16056A614 in the NRC's Agencywide Documents Access and Management System (ADAMS)). Accordingly, the staff requests approval to initiate a rulemaking about <INSERT: a brief description of topic>.

<INSERT: a summary of the reason to pursue rulemaking (consider answering these questions: what is the current regulation, what is the problem with the current regulation, what is the high-level aim of the rulemaking/regulatory change (for example, would the rule enhance safety and/or reduce regulatory burden), what information about the policy issue is already available

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ADAMS Accession No. MLXXXXXXXX

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DISCUSSION:

Title

<INSERT: title of proposed rulemaking>.

Regulation

<INSERT: all parts of the *Code of Federal Regulations* that would be affected by this proposed rulemaking>.

~~Estimated Schedule~~

~~Initiate regulatory basis phase—<INSERT: Month, Year>.~~
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~~Description and Scope~~Regulatory Issue

<INSERT: a discussion that defines the regulatory issue (i.e., what CFR parts would change and who would be affected)>.~~,~~

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Explanation of Why Rulemaking is the Preferred Solution

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Description of Rulemaking: Scope

<INSERT: a discussion that defines the scope of the rulemaking>.

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Description of Rulemaking: Preliminary Backfitting and Issue Finality Analysis~~(As applicable)~~

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Description of Rulemaking: Estimated Schedule

Initiate regulatory basis phase—<INSERT: Month, Year>.
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Description of Rulemaking: Preliminary Recommendation on Priority

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RECOMMENDATION:

The NRC staff recommends that the Commission approve initiation of a rulemaking about <INSERT: brief description of topic>.

The staff also recommends that the Commission approve its recommendations on <SELECT, as appropriate: ACRS, ~~and~~ CRGR, ~~review~~ AND/OR ~~ACRS, CRGR, and~~ ACMUI review>.

RESOURCES:

Enclosure <1 or 2> includes an estimate of the resources needed to complete this rulemaking.

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure <1 or 2>.

<INSERT: NAME>
Executive Director
for Operations

Enclosures:
<1. Analysis of Legal Matters>
<1. or 2.> Resources