

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** CHAIRMAN SVINICKI  
**SUBJECT:** COMSECY-18-0027: Evaluation Criteria for Retrospective Review of Administrative Regulations

Approved XX Disapproved \_\_\_ Abstain \_\_\_ Not Participating \_\_\_

Comments: Below XX Attached \_\_\_ None \_\_\_

I approve the staff's recommended evaluation criteria for the NRC's screening of proposed administrative regulations for retrospective review. To the extent that criterion 4 would direct agency attention at the screening stage to those administrative regulations having larger resource implications, such prioritization of agency efforts is reasonable and appropriate, particularly in light of the staff's commitment to consider also "programmatic experience, the intent of the requirement, [and] the effect of elimination or modification of a requirement on the NRC's mission, ... when determining whether to pursue a change to the regulations." In concert, these factors mitigate against any unintended effects.

  
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SIGNATURE

9 / 26 /19  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran

SUBJECT: COMSECY-18-0027: Evaluation Criteria for Retrospective Review of Administrative Regulations

Approved  X  Disapproved  X  Abstain       Not Participating      

COMMENTS: Below       Attached  X  None      

Entered in "STARS"

Yes  X

No      

  
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12/11/18

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**Commissioner Baran's Comments on COMSECY-18-0027,  
"Evaluation Criteria for Retrospective Review of Administrative Regulations"**

The Commission previously approved conducting a review of NRC's administrative regulations to identify any outdated or duplicative non-substantive administrative requirements that could be modified or eliminated without adverse health, safety, security, or environmental impacts. I supported this effort because it could improve how applicants and licensees submit information, keep records, and report to the agency.

In this paper, the NRC staff proposes five screening criteria that would be used to determine which administrative regulations should be evaluated for potential modification or elimination. In my view, four of the five criteria are well suited to the purpose of the review. However, the fourth proposed criterion ("recordkeeping and reporting requirements that result in significant burden") is not. Cost and level of effort are not relevant to the screening question of whether a requirement is outdated or duplicative. They are appropriately considered later in the process when determining whether screened-in administrative requirements merit modification or elimination.

In order to maintain the focus on identifying any outdated or duplicative administrative requirements, I would delete the cost-based screening criterion and replace it with a screening criterion that is directly relevant to whether a particular administrative requirement is outdated or duplicative:

Recordkeeping and reporting requirements that direct that information be submitted, transmitted, or maintained by outmoded means, such as fax, multiple hard copies, data tapes, or other media that have since been replaced by more efficient methods.

The goal of this proposed criterion is to modernize administrative requirements by recognizing that newer technologies can make information transmittal, collection, and retention more efficient for NRC, licensees, and applicants. I approve the staff's proposed screening criteria, subject to this change.

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Commissioner Caputo  
**SUBJECT:** COMSECY-18-0027: Evaluation Criteria for Retrospective Review of Administrative Regulations

Approved XX Disapproved \_\_\_ Abstain \_\_\_ Not Participating \_\_\_

Comments: Below \_\_\_ Attached XX None \_\_\_

**Entered in STARS**

Yes X  
No \_\_\_\_\_

  
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**Commissioner Caputo's Comments on COMSECY-18-0027,  
"Evaluation Criteria for Retrospective Review of Administrative Regulations"**

In COMSECY-18-0027 the staff provides the Commission with evaluation criteria to identify outdated or duplicative administrative regulations that may be eliminated without any adverse effect on public health and safety, the common defense and security, protection of the environment, or regulatory efficiency and effectiveness. I approve of the staff's recommendations with one slight edit. I agree with former Commissioner Burns' concerns regarding Criterion 5. While we want to ensure that we are not unintentionally affecting other agencies who rely on information gathered pursuant to our requirements, I find it inappropriate to continue to require our licensees to submit information that is not in line with our agency's mission or necessary to fulfill a binding obligation. I therefore approve of former Commissioner Burns' edit to Criterion 5 to read:

Reports or records that contain information used by other Federal agencies, State and local governments, or Federally recognized Tribes will be dropped from the review provided the information collected is necessary to support the NRC's mission or to fulfill a binding NRC obligation.

Regarding Criterion 4, I find it completely appropriate to consider requirements that result in a significant burden. In conducting its review, the staff will not eliminate requirements on this basis alone; elimination of these standards would also have to meet the base requirement of not causing any adverse effect on public health and safety, the common defense and security, protection of the environment, or regulatory efficiency and effectiveness. I therefore agree with the Chairman that consideration of these requirements is reasonable and appropriate.

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Commissioner Wright  
**SUBJECT:** COMSECY-18-0027: Evaluation Criteria for Retrospective Review of Administrative Regulations

Approved  Disapproved  Abstain  Not Participating

Comments: Below  Attached  None

I support the staff's efforts to identify outdated or duplicative administrative requirements that could be modified or eliminated without adversely impacting the agency's mission. I approve the staff's screening criteria for this review, subject to modifying criterion 5 to read:

Reports or records that contain information used by other Federal agencies, State and local governments, or Federally recognized Tribes will be dropped from the review provided the information collected is necessary to support the NRC's mission or to fulfill a binding NRC obligation.

I agree with former Commissioner Burns that this edit addresses public comments and ensures that appropriate inquiries are made during the screening process. I also agree with the Chairman that criterion 4 results in prioritization that, in context, is reasonable and appropriate. As the staff notes, the criteria are not used to make stand-alone determinations and are not mutually exclusive; instead, they are useful guidelines in identifying administrative requirements that should be considered for modification or elimination. I look forward to public input on regulations that should be considered in the retrospective review. The staff should consider using advanced analytics (e.g., machine learning) for steps two and three of this effort.

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No

  
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