

TEMPLATE FOR STREAMLINED RULEMAKING PLANS
Effective February 3, 2016

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, including the sections of the *Code of Federal Regulations* that would be affected by the rulemaking].

[SUMMARY:

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

BACKGROUND:

In staff requirements memorandum (SRM) for SECY-15-0129, "Commission Involvement in Early Stages of Rulemaking," dated February 3, 2016 (Accession No. ML16034A441 in the NRC's Agencywide Documents Access and Management System (ADAMS)), 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. Accordingly, the staff requests approval to initiate a rulemaking about [INSERT a brief description of topic].

[Summarize the reason to pursue rulemaking. Describe any internal or external drivers for rulemaking (e.g., new Congressional mandate, Executive order, petition for rulemaking (PRM)).

DISCUSSION:

Title

[Title of Proposed Rulemaking].

CONTACTS: Name, Office, Division
301-XXX-XXXX

Attachment

Estimated Schedule

Initiate regulatory basis phase – Month, Year.

Complete regulatory basis – Month, Year.

Publish proposed rule – Month, Year.

Publish final rule – Month, Year.

Preliminary Priority

Estimated [Select one: High/Medium/Low] priority rulemaking activity using the Common Prioritization of Rulemaking (CPR) prioritization methodology. [Provide a brief discussion of the basis for the preliminary priority determination].

Description and Scope

[Define the regulatory issue, describe the existing regulatory framework (i.e., regulations and guidance), identify regulatory options and alternatives to rulemaking, and discuss why rulemaking is preferable to these other alternatives].

Relationship of the Work to the NRC's Strategic Plan

[Briefly describe (2-3 paragraphs) the impact on the Safety/Security goals and the impact on regulatory efficiency. Specify any new Congressional mandate, Executive order, PRM, etc., that is driving the rulemaking].

Cost and Benefits

The proposed action is estimated to involve a [Select one: High/Medium/Low] magnitude of costs through [briefly describe an estimate of the magnitude of the costs of the proposed action]. The proposed action is estimated to provide the following benefits: [List and describe the benefits (in terms of pros/cons) of the proposed change].

Cumulative Effects of Regulation

[Provide 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

[Briefly describe any Agreement State considerations and how they will be addressed].

Backfitting and Issue Finality

[Briefly describe 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 that they are 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].

Guidance

The staff estimates that [X] guidance document(s) will be updated or created in parallel with the rulemaking: [List the guidance documents].

Advisory Committee on Reactor Safeguards (ACRS) Review

The staff requests Commission direction on whether ACRS review is warranted. [INSERT staff recommendation on the need for ACRS review, including any details of that review process such as timing].

Committee to Review Generic Requirements (CRGR) Review

[INSERT one of the following:

The staff requests CRGR review of this proposed rule to address the following questions: xxxx.

OR

The staff does not believe CRGR review is necessary for the following reasons: xxxx <Use the staff evaluation of criteria for triggering CRGR review, which will be developed by June 2016>].

Analysis of Legal Matters

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

COMMITMENT:

If the Commission approves initiation of the rulemaking, the staff will add the rule to the CPR during the next budget formulation cycle.

RECOMMENDATION:

The NRC staff recommends that the Commission approve initiation of a rulemaking about [INSERT brief description of topic].

[INSERT as applicable: The staff's recommendation is <INSERT staff recommendation on need for ACRS review, consistent with discussion in subsection "Advisory Committee on Reactor Safeguards (ACRS) Review" above>].

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