FOR: The Commissioners

FROM: [INSERT NAME]
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON [INSERT TOPIC]

In Staff Requirements Memorandum SECY-15-XXXX, "[insert title]," dated Month XX, 2015, the Commission approved the staff's recommendation for a new requirement that the staff must develop a streamlined Rulemaking Plan (with a SECY paper format) to initiate a new rulemaking and begin expending resources. Accordingly, the staff requests approval to begin work on and to budget for a rulemaking about [insert brief topic]. This rulemaking would [insert a brief description of the proposed change in regulation].

Title: Rulemaking Title

Regulation: Title 10 of the Code of Federal Regulations (10 CFR) Part X

Estimated Schedule:
Initiate regulatory basis phase–Month, Year
Complete regulatory basis–- Month, Year
Complete proposed rule–- Month, Year
Complete final rule–- Month, Year
Complete rulemaking action–- Month, Year

Preliminary Priority: [select one:] High/Medium/Low priority rulemaking activity using the Common Prioritization of Rulemaking (CPR) prioritization methodology. Rule priority can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.

CONTACTS: Name, OFF/DIV
301-XXX-XXXX

Enclosure 2

Background: [summarize (2-3 paragraphs may be sufficient) the reason to pursue rulemaking. Describe any internal or external drivers for rulemaking.]

Description and Scope: [briefly describe (1-2 paragraphs may be sufficient) the regulatory change including: why the current regulation needs to change, the number and type of affected regulated entities, CFR parts that would change]

Relationship of the Work to the NRC's Strategic Plan: [briefly describe (1-2 paragraphs may be sufficient): 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]

Costs and Benefits: During the development of the regulatory basis, the staff will evaluate the potential benefits and costs of the proposed change in regulation.

Backfitting and Issue Finality: The staff's expectation is that the rule will [select one] be necessary for adequate protection/ will analyze costs and benefits under backfit regulations/ or backfit regulations do not apply. [Add a brief explanation if the staff expects an adequate protection argument or if backfit regulations do not apply.] [NOTE: a backfit evaluation is not required at this stage.]

Guidance: The staff estimates that X guidance document(s) will be updated in parallel with the rulemaking: [list the guidance documents]

Resources: See Enclosure 1

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

Recommendations

The staff requests permission to initiate rulemaking and to add the rulemaking to the CPR.

Coordination

The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections. The Office of General Counsel has reviewed this paper and has no legal objections.

[INSERT NAME]
Executive Director
for Operations

Enclosure:
Resources

Comment [Guidance1]: Consider answering these questions as appropriate for the particular potential rulemaking:

1. What is the current regulation?
2. What is the problem with the current regulation?
3. What is the high-level aim of the rulemaking/regulatory change? For example, would the rule enhance safety and/or reduce regulatory burden?
4. What information about the policy issue is already available? This might include previous Commission direction, statutes, public workshops, etc.

Comment [Guidance2]: Provide more specific description of the regulatory change than the background.

1. What CFR part(s) would change?
2. Who is affected?
3. What is the benefit of the regulatory change?
4. What is the benefit of using the rulemaking process?
5. If the rule would not reduce burden, what types of additional costs might there be?

Note: Detailed cost/benefit analysis is not expected at this stage. Regulatory Analysis will be accomplished during the regulatory basis phase.

Comment [Guidance3]: How does the proposed rulemaking relate to the 4 factors in the Common Prioritization of Rulemaking prioritization method?

1. How significant of an impact would the regulatory change have on safety or security?
2. How significant of an impact would the regulatory change have on efficient and effective regulation?
3. Has any external organization (Congress, the White House, other Federal agency, other State agency, foreign government, etc.) requested or directed the regulatory change?
4. What level and/or type of public participation is expected?

This template assumes that new accepted petitions for rulemaking are addressed through a different process.

Comment [Guidance4]: Specify what the expected benefits are expected to be and at what cost.

Background: [summarize (2-3 paragraphs may be sufficient) the reason to pursue rulemaking. Describe any internal or external drivers for rulemaking.]

Description and Scope: [briefly describe (1-2 paragraphs may be sufficient) the regulatory change including: why the current regulation needs to change, the number and type of affected regulated entities, CFR parts that would change]

Relationship of the Work to the NRC's Strategic Plan: [briefly describe (1-2 paragraphs may be sufficient): 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]

Costs and Benefits: During the development of the regulatory basis, the staff will evaluate the potential benefits and costs of the proposed change in regulation.

Backfitting and Issue Finality: The staff's expectation is that the rule will [select one] be necessary for adequate protection/ will analyze costs and benefits under backfit regulations/ or backfit regulations do not apply. [Add a brief explanation if the staff expects an adequate protection argument or if backfit regulations do not apply.] [NOTE: a backfit evaluation is not required at this stage.]

Guidance: The staff estimates that X guidance document(s) will be updated in parallel with the rulemaking: [list the guidance documents]

Resources: See Enclosure 1

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

Recommendations

The staff requests permission to initiate rulemaking and to add the rulemaking to the CPR.

Coordination

The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objections. The Office of General Counsel has reviewed this paper and has no legal objections.

[INSERT NAME]
Executive Director
for Operations

Enclosure:
Resources

ADAMS Accession Nos.: ML XXXXXXXXX (Package) ML XXXXXXXXX (Memorandum)
ML XXXXXXXXX (Resource Enclosure)

OFFICE					
NAME					
DATE					
OFFICE					
NAME					
DATE					

OFFICIAL AGENCY RECORD

Comment [Guidance1]: Consider answering these questions as appropriate for the particular potential rulemaking:
1. What is the current regulation?
2. What is the problem with the current regulation?
3. What is the high-level aim of the rulemaking/regulatory change? For example, would the rule enhance safety and/or reduce regulatory burden?
4. What information about the policy issue is already available? This might include previous Commission direction, statutes, public workshops, etc.

Comment [Guidance2]: Provide more specific description of the regulatory change than the background.

1. What CFR part(s) would change?
2. Who is affected?
3. What is the benefit of the regulatory change?
4. What is the benefit of using the rulemaking process?
5. If the rule would not reduce burden, what types of additional costs might there be?

Note: Detailed cost/benefit analysis is not expected at this stage. Regulatory Analysis will be accomplished during the regulatory basis phase.

Comment [Guidance3]: How does the proposed rulemaking relate to the 4 factors in the Common Prioritization of Rulemaking prioritization method?

1. How significant of an impact would the regulatory change have on safety or security?
2. How significant of an impact would the regulatory change have on efficient and effective regulation?
3. Has any external organization (Congress, the White House, other Federal agency, other State agency, foreign government, etc.) requested or directed the regulatory change?
4. What level and/or type of public participation is expected?

This template assumes that new accepted petitions for rulemaking are addressed through a different process.

Comment [Guidance4]: Specify what the expected benefits are expected to be and at what cost.

EXAMPLE

FOR: The Commissioners

FROM: Victor M. McCree
Executive Director for Operations

SUBJECT: RULEMAKING PLAN ON REACTOR VESSEL MATERIAL SURVEILLANCE PROGRAM ENHANCEMENTS

In Staff Requirements Memorandum SECY-15-XXXX, "[insert title]," dated Month XX, 2015, the Commission approved the staff's recommendation for a new requirement that the staff must develop a streamlined Rulemaking Plan (with a SECY paper format) to initiate a new rulemaking and begin expending resources. Accordingly, the staff requests approval to begin work on and to budget for a rulemaking about testing standards for power reactors under the material surveillance program. This rulemaking would incorporate the latest editions of consensus standards to allow licensees to use modern testing standards.

Title: Revisions to Reactor Vessel Material Surveillance Program Requirements

Regulation: Title 10 of the Code of Federal Regulations (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," Appendix H, "Reactor Vessel Material Surveillance Program Requirements"

Estimated Schedule: Initiate regulatory basis phase—December 2015
Complete regulatory basis—October 2016
Complete proposed rule—March 2018
Complete final rule—June 2019
Complete rulemaking action—November 2019

Preliminary Priority: Medium priority rulemaking activity using the Common Prioritization of Rulemaking (CPR) prioritization methodology. Rule priority can change over time. Common reasons for a change in priority are new Commission or senior management direction or changes in the rulemaking scope.

CONTACTS: Jane Smith, NRR/DE
301-415-1111

Background:

Appendix H to 10 CFR Part 50 requires licensees to have reactor vessel (RV) material surveillance programs to monitor changes in fracture toughness properties of the RV materials adjacent to the reactor core. The U.S. Nuclear Regulatory Commission (NRC) requires licensees to periodically test irradiated material specimens from test capsules in RVs to evaluate changes in RV material fracture toughness.

The current version of 10 CFR Part 50, Appendix H, requires RV surveillance programs to include Charpy impact and tensile test specimens from welds, base metal, and the weld heat affected zone (HAZ) materials. However, the data generated from testing HAZ specimens is not useful for predicting RV material embrittlement. Through the rulemaking process the NRC staff would evaluate eliminating the requirement for testing HAZ specimens, which may result in eliminating the unnecessary financial and radiation exposure burden associated with this testing.

The rulemaking would also reevaluate the withdrawal schedule for design of surveillance programs in new plants whose RVs have not yet been procured. The existing requirements are such that new reactors must plan on withdrawing and testing a surveillance capsule during their first cycle of operation. Testing of specimens exposed to such low levels of irradiation does not yield meaningful data and exposes plant workers and material test technicians to recordable amounts of unnecessary radiation. During rulemaking, the NRC staff would evaluate incorporation of the latest edition of International standard ASTM E-185, "Standard Practice for Design of Surveillance Programs for Light-Water Moderated Nuclear Power Reactor Vessels," which does not require testing until test specimens accumulate one-fourth of the estimated end-of-license fluence for the RV.

Description/Scope:

The major objective of revising 10 CFR Part 50, Appendix H, is to incorporate the latest edition of both ASTM Standards E-185 and E-2215, "Standard Practice for Evaluation of Suveillance Capsules from Light-Water Moderated Nuclear Power Reactor Vessels." There are a number of optional features in ASTM E-185 that would permit future licensees to significantly improve future surveillance programs by allowing them to use more advanced test specimens. Since ASTM E-185 applies only to program design, which occurs before initial plant operation, the proposed change would not apply to any currently operating plants' RVs or to any RVs for plants currently under construction. For this reason, previous versions of E-185 published since E-185-82 (i.e., -98 or -02) are not required to be incorporated into a revision of Appendix H, because they are not applicable to any RVs. ASTM E-2215 would be used by all operating plants and would provide the most modern testing standards available.

The benefits of changing the regulation include the following:

1) Licensees may be able to stop expending resources and accumulating dose to generate data that may have little engineering or safety nexus;

2) Licensees and NRC staff resources to prepare, submit, and review requests for extension of time to submit capsule reports may be reduced;
3) The regulation would incorporate the most up-to-date version of referenced consensus standards;
4) Surveillance program guidance for license renewal and subsequent license renewal would be clarified.

Relationship of the Work to the NRC's Strategic Plan:

The NRC staff expects that the rulemaking would have a low impact on the safety goal of the NRC's Strategic Plan mostly because licensees may accumulate lower occupational dose in the process of collecting test specimens. The most significant impact of the rulemaking would be to enhance regulatory effectiveness by reducing the number of requests licensees would submit for extensions of time to submit capsule reports. The rulemaking would also incorporate the most up-to-date version of referenced consensus standards and clarify surveillance program guidance for license renewal. This rulemaking is expected to receive significant public interest because of its potential to reduce regulatory burden.

Costs and Benefits

During the development of the regulatory basis, the staff will evaluate the potential benefits and costs of the proposed change in regulation.

Guidance

The staff expects that one guidance document will be updated in parallel with the rulemaking: Regulatory Guide 1111, "Fracture Toughness Testing of Reactor Vessels."

Resources

See Enclosure 1

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

Recommendations

The staff requests permission to initiate rulemaking and to add the rulemaking to the CPR.

Coordination

The Office of the Chief Financial Officer has reviewed this paper for resource implications and concurs. The Office of General Counsel has reviewed this paper and has no legal objections.

Victor M. McCree
Executive Director
for Operations

Enclosure:
Resources