

## RESOURCES AND LEVEL OF EFFORT:

### **Proposed Expedited Rulemaking Schedule per Option 1B Description**

<b>Activity</b>	<b>Date</b>
SECY issues Staff Requirements Memorandum (SRM) directing staff approving Option 1b	January 12, 2016*
The Office of the General Counsel (OGC) and the Executive Director for Operations (EDO) submit proposed rule notation vote paper to SECY	May 20, 2016
SECY issues SRM approving publication of proposed rule	June 3, 2016**
Proposed rule published in the <i>Federal Register</i>	August 5, 2016
45-day public comment period ends	October 7, 2016
OGC and EDO submits final rule notation vote paper to SECY	February 8, 2017
SECY issues SRM approving publication of final rule	April 7, 2017**
Final rule published in the <i>Federal Register</i>	June 7, 2017
Final rule becomes effective in the <i>Code of Federal Regulations</i>	July 7, 2017

\*Assumes a 60-day Commission vote and SRM development period.

\*\*Assumes a 60-day window for Commission review.

### **Resources for the Potential Third-Party Arbitration Rulemaking**

Should the Commission approve the U.S. Nuclear Regulatory Commission (NRC) staff's recommendation to evaluate its policy on the role of third-party arbitrations in access authorization and fitness-for-duty determinations at nuclear power plants (Option 1B – expedited rulemaking), the potential rulemaking would require resources in fiscal years (FYs) 2016 and 2017 in the Operating Reactors business line.

No resources are currently included in the Operating Reactors business line for this potential rulemaking. The following table summarizes the staff's estimated full-time equivalents (FTEs) required to complete the regulatory basis and potential rulemaking activities. Support for this rulemaking from the Office of the Chief Information Officer and the Office of Administration would be budgeted under the Corporate Support business line, but constitute less than 0.1 FTE and are not detailed in this paper.

The shortfall in FY16 and FY17 resources would be reallocated from within the Operating Reactors business line. Resources for FY16 would be reallocated from lower priority work within the Operating Reactors business line. The staff would prioritize these activities in a manner consistent with the current Common Prioritization of Rulemaking process and other priorities in other Operating Reactors work.

Enclosure

Option 1A – Normal Rulemaking: Provide clarification in the normal rulemaking process

<b>Business Line</b>	<b>Office</b>	<b>Product Line</b>	<b>Product</b>	<b>FY 2016</b>	<b>FY 2017</b>
Operating Reactors	Nuclear Reactor Regulation	Rulemaking	Rulemaking	0.4	0.4
Operating Reactors	Nuclear Security and Incident Response	Licensing	Security	0.8	0.8
Operating Reactors	Office of the General Counsel	Rulemaking	Rulemaking	0.2	0.2
Operating Reactors	Office of Nuclear Regulatory Research	Rulemaking	Rulemaking	0.3	0.2
			<b>Total FTE</b>	<b>1.7</b>	<b>1.6</b>

Option 1B – Expedited Rulemaking: Provide clarification through expedited rulemaking process

<b>Business Line</b>	<b>Office</b>	<b>Product Line</b>	<b>Product</b>	<b>FY 2016</b>	<b>FY 2017</b>
Operating Reactors	Nuclear Reactor Regulation	Rulemaking	Rulemaking	0.1	0.2
Operating Reactors	Nuclear Security and Incident Response	Licensing	Security	0.2	0.8
Operating Reactors	Office of the General Counsel	Rulemaking	Rulemaking	0.2	0.3
Operating Reactors	Office of Nuclear Regulatory Research	Rulemaking	Rulemaking	0.0	0.4
			<b>Total FTE</b>	<b>0.5</b>	<b>1.7</b>

Option 2: Commission publishes a clear policy statement affirming staff's view on the use of third-party arbitrators in licensee actions associated with NRC regulations (e.g., access authorization, fitness-for-duty). This policy statement would provide necessary clarification(s) with respect to the U.S. Court of Appeals for the Seventh Circuit interpretation on Commission policy.

This option is a minimal cost action, similar to the effort required for expedited rulemaking. This option would be reasonably efficient with respect to the use of staff resources in drafting responses to a *Federal Register* notice allowing for public participation.

Option 2 – Policy Statement: Provide clarification through issuance of a policy statement

<b>Business Line</b>	<b>Office</b>	<b>Product Line</b>	<b>Product</b>	<b>FY 2016</b>	<b>FY 2017</b>
Operating Reactors	Nuclear Reactor Regulation	Rulemaking	Rulemaking	0.1	0.2
Operating Reactors	Nuclear Security and Incident Response	Licensing	Security	0.2	0.8
Operating Reactors	Office of the General Counsel	Rulemaking	Rulemaking	0.2	0.3
			<b>Total FTE</b>	<b>0.5</b>	<b>1.3</b>

Option 3: Status quo: No specific action or effort is expected at this time for developing any formal regulatory products. However, if adverse arbitration decisions occur concerning licensee access authorization or fitness-for-duty determinations that would put a licensee in conflict with its license, staff resources would be needed to review the matter and determine the appropriate regulatory action – which may include enforcement action, enforcement discretion, or issuance of an order.