

Pre-Rulemaking

Project Initiation:
Rulemaking Plan*



- Required for most new rulemakings
- Defines scope, approach, resource needs
- Ensures early Commission engagement before significant resource expenditures
- Delegated signature authority*

*Requires Commission Approval

Rulemaking Approach
Notice and Comment Rulemaking

Informing the Rulemaking



Proposed Rule*



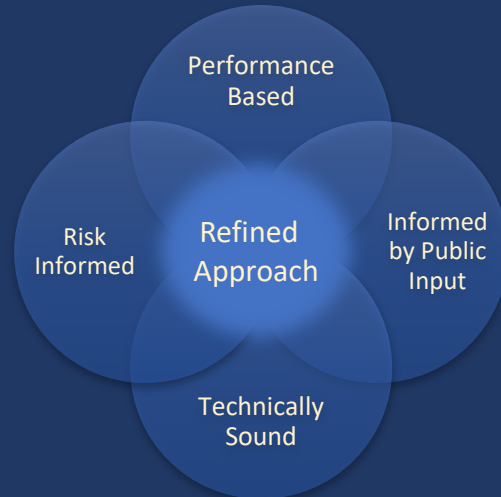
Final Rule*



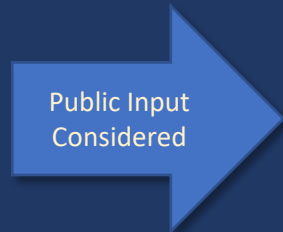
Public Involvement

- Preliminary Rule Text*
- Advanced Notice of Proposed Rulemaking*
- Public Meeting(s)
- Regulatory Basis*

Note: Tools may be selected depending on issue complexity



- Published for public comment
- Presents basis for proposal and explains how/why it resolves the identified need
- Includes a Regulatory Analysis



- Amends the Code of Federal Regulations and establishes the implementation date
- Responds to all in-scope public comments
- Explains any changes in the final rule from the proposed rule and why those changes were made.

- Changes are non-controversial
- Significant Adverse Comments Are Not Anticipated

Consider

Direct Final Rule*

Rulemaking Approach

Notice and Comment Rulemaking

Factors which may impact Rulemaking complexity

- Congressional interest
- Commission interest
- Stakeholder interest
- Agreement State compatibility
- Technical complexity
- Backfit considerations
- Number of CFR Parts affected
- Interagency involvement
- Interagency coordination
- International and voluntary consensus standards

Key References

- 10 CFR Part 2, “Agency Rules of Practice and Procedure,” Subpart H, “Rulemaking”
- Management Directive 3.54, “[NRC Information Collections Program](#)”
- Management Directive 5.3, “[Agreement State Participation in Working Groups](#)”
- Management Directive 6.3, “[The Rulemaking Process](#)”
- Management Directive 9.3, “[Organization and Functions, Advisory Committee on Reactor Safeguards](#)”
- NUREG/BR-0053, “[U.S. NRC Regulations Handbook](#)”
- NUREG/BR-0058, “[Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission](#)”
- Staff Requirements Memorandum (SRM)-SECY-15-0129, “Commission Involvement in Early States of Rulemaking” ([ML16034A441](#))
- SRM COMSECY-16-0029, “Final Rulemaking Plan Template” ([ML19030A940](#))
- “Statement of Principles and Policy for the Agreement State Program; Policy Statement on Adequacy and Compatibility of Agreement State Programs” ([62 FR 46517; September 3, 1997](#))
- NRC Public Web sites:
 - [How We Regulate](#)
 - [The Rulemaking Process](#)
 - [Rules and Petitions](#)
 - [Planned Rulemaking Activities](#)
 - [Rulemaking Documents](#)

Point of Contact



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