

RULEMAKING ISSUE (INFORMATION)

March 27, 2001

SECY-01-0053

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations /RA/

SUBJECT: PROPOSED RULEMAKING ACTIVITY PLAN

PURPOSE:

To provide the Commission with the updated Rulemaking Activity Plan (RAP) for information. The RAP includes descriptions of rulemakings that are currently being conducted and those that are being considered for future action. The review of all rules is intended to ensure that the staff incorporates Commission policy direction into contemplated rulemakings at an early stage of rule plan development before significant resources are expended. This review also provides a mechanism for determining whether previously initiated rulemakings should continue, be redirected, or be terminated. The RAP includes priorities for all ongoing and planned rules to allow effective allocation of resources in a manner consistent with Commission policy.

Attachment 1 is a "Summary of Changes to the Rulemaking Activity Plan since the Last Plan Update, March 2000." Attachment 2 is the RAP.

BACKGROUND:

In a Staff Requirements Memorandum (SRM) dated April 7, 1995, on the status of ongoing regulatory reform initiatives, the Commission directed the staff to (1) establish a process to review and prioritize rulemaking efforts on a continuing basis, and (2) pay particular attention to how rulemaking efforts receive approval for initiation. The Commission directed the staff to

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identify all rulemakings then under development or being contemplated and, based on their safety benefit and cost, make a recommendation on the need for continuing the rulemaking and submit this information to the Commission for its review. In response to this SRM, the staff developed the initial version of the RAP. It was transmitted to the Commission by memorandum dated May 10, 1995. The Commission approved the initial version of the RAP on May 26, 1995. The structure and format of the RAP is designed to facilitate a review of all ongoing and planned rulemaking activities at various stages of development. The staff maintains and updates the RAP continually throughout the year and submits it to the Commission annually, in accordance with the latest Commission direction. To ensure the completeness of the RAP updates, all Office Directors and the Chief Financial Officer are responsible for all actions on their respective rulemakings and have provided information on the rulemakings under development or being considered for development in their respective offices. Consistent with Commission guidance, the staff will continue to submit the updated RAP annually for information.

On March 28, 2000, the last update of the RAP was sent to the Commission for approval (SECY-00-075). The Commission approved SECY-00-075 in an SRM dated June 12, 2000. Commission comments have been incorporated in this current update of the RAP.

Regulatory Improvements to Further Streamline the RAP

Commission SRM on SECY-00-075, dated June 12, 2000, directed the staff to further streamline the RAP where possible. Two areas were identified for streamlining the RAP, which resulted in eliminating 71 pages of text without eliminating essential information on the staff's rulemaking activities. The two areas are as follows:

Completed Rulemakings

Category 6 contained the write-ups for the individual rulemakings and petitions that have been completed. These write-ups contained the detailed information associated with completing the rulemaking or petition. Since the rulemakings or petitions have been completed and will be retained as archived rulemakings for future reference, these write-ups will no longer be provided in the RAP. However, the title listing of the completed rulemakings or petitions are included under Attachment 2, Category 6.

Granting Generic Exemptions to Regulations

Previous Commission guidance, related to reducing the need for exemptions, directed the staff to include a listing and description of the applications for exemptions that have been received, granted, or denied during the reporting period of the RAP, and to indicate whether the specific exemption request is related to an ongoing rulemaking. Since this initial request, a number of actions have occurred to allow the elimination of the information associated with exemption requests in the RAP. These include the establishment of the strategic planning process, the strategic goals, strategic outcome goals, the transfer of rulemaking responsibility back to the NRC program offices, and the use of individual rulemaking plans to obtain Commission approval to initiate a rulemaking action.

As part of the NRC's planning, budgeting, performance management (PBPM) process, the program offices reassess the priority of all rulemakings relative to their contribution to the agency's Strategic Plan goals and performance measures. Using this process, the rulemakings are ranked against each other and against other non-rulemaking activities. As appropriate, adjustments are made to rulemaking priorities and/or the rulemaking actions may be deferred or dropped. This process includes the consideration of recurring exemptions to identify and determine the need for and the priority of new rulemaking activities to achieve the NRC's strategic outcome goals of reducing unnecessary regulatory burden and improving the efficiency, effectiveness, and realism of the regulatory framework. Where applicable, when the rulemaking plan is being developed for Commission approval, the experience with recurring exemption requests is routinely included in individual rulemaking plans, especially if a trend in exemption requests is detected that could be better handled by rulemaking. In view of this, exemptions will no longer be provided in the RAP, but individual rulemaking plans will contain information concerning exemptions, if appropriate.

RESOURCES:

The resources to implement this RAP are within each respective office's existing budget.

COORDINATION:

The Office of the General Counsel has no legal objection to this paper. The Office of the Chief Financial Officer has reviewed the RAP for resource implications and has no objection. The Office of the Chief Information Officer has reviewed this paper for information technology and information management implications and concurs in it.

The staff intends to implement the RAP as provided in Attachment 2.

/RA/

William D. Travers
Executive Director
for Operations

Attachments:

1. Summary of Changes to the RAP
2. Rulemaking Activity Plan

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