



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 12, 2000

MEMORANDUM TO: Glenda Jackson, LFARB/DAF/OCFO
FROM: Doris Mendiola, RDB/DAS/ADM
SUBJECT: REGULATORY HISTORY PROCEDURES -- REVISION OF FEE SCHEDULES; 100% FEE RECOVERY; FY 2000 (10 CFR PARTS 170 AND 171)

In a memorandum dated March 24, 2000 (copy attached), the Executive Director for Operations established procedures for ensuring that a complete regulatory history is compiled for each rulemaking action undertaken by an office under his purview. Briefly, these procedures require that--

Documents of central relevance to a rulemaking be maintained, and identified for a source of access; and

An index of documents comprising the regulatory history be developed and submitted to the Rules and Directives Branch (RDB) within 60 days after the rulemaking is completed.

The rulemaking that is proposing to amend the licensing, inspection, and annual fees charged to its applicants and licensees, was published on March 27, 2000 (65 FR 16250).

The Regulatory History should be created in ADAMS. All documents currently in WordPerfect should be transferred to ADAMS. In the profile of each document related to the Regulatory History, use the Regulation Identifier Number (RIN) as the Case/Reference Number. This will make it easier to combine all the documents into a package under ADAMS. For help in creating this package, contact the ADAMS helpline at 415-1234.

Please prepare an index of all the documents included in this package and forward the completed index to the RDB (T6-D59) by June 12, 2000. This index should also be included in the Regulatory History. In your transmittal memorandum to RDB, please include the title of the rule, the complete Federal Register citation, and a listing of all parts affected by the document.

You should place the designator "AG50-1" in the upper right-hand corner of each document centrally relevant to the rulemaking.

G. Jackson

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Check all attachments to each document to ensure that no documents to be withheld are inadvertently released. SECY Papers concerning rulemaking issues are generally released to the public. The Staff Requirements Memorandum (SRM) generally contains instructions from SECY that indicate when and if a SECY Paper, the SRM, and Commission vote sheets may be made available to the public. Any questions concerning the release of any SECY Paper, SRM, or Commissioner vote sheet must be coordinated with the Office of the Secretary. Commission vote sheets may be released to the public if so stated on the vote sheet.

If you cannot meet the June 12, 2000, deadline, please let me know. If you have any questions call me at 415-6297.

Attachment: As stated

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March 24, 2000



MEMORANDUM TO: Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

William F. Kane, Director
Office of Nuclear Material Safety & Safeguards

R. William Borchardt, Director
Office of Enforcement

Michael L. Springer, Director
Office of Administration

Joseph R. Gray, Associate General Counsel
for Licensing and Regulation

Paul Lohaus, Director
Office of State Programs

FROM: William D. Travers 
Executive Director for Operations

SUBJECT: REGULATORY HISTORY PROCEDURES

In 1985, the regulatory history procedures were established to ensure that all documents of central relevance to a particular rulemaking are identified and accessible. With the implementation of ADAMS, office responsibilities are being updated to ensure that all relevant documents, including scanned images of handwritten documents, drawings, charts, etc., are in ADAMS. This will facilitate the resolution of any issues that may arise concerning the interpretation of a particular regulation. The following procedures will be applicable to any proposed or final rule submitted to the Federal Register for publication. The Rules and Directives Branch, Division of Administrative Services, Office of Administration, will provide further information on these procedures, as necessary, in the periodic revision of the NRC Regulations Handbook, NUREG/BR-0053.

Program Office Responsibilities

Each office that sponsors a proposed or final rulemaking shall ensure that:

1. All documents of central relevance to the factual basis, coverage, meaning, and historical development of the rulemaking are identified, and maintained during the course of the rulemaking. Although the project manager's judgment will be

necessary in some instances to determine whether specific documents are of "central relevance" to a rulemaking, the following documents should be included:

- the rulemaking plan
- prior drafts of the rulemaking transmitted for interoffice review
- formal Office comments on the drafts submitted for interoffice review
- source documents relied upon in preparing the draft rule (e.g., research studies, consensus standards endorsed in the draft rule)
- documents that synthesize or organize data in a form relied upon in the draft rule
- supporting documentation such as the regulatory analysis, the Cost Analysis Group Report, environmental assessment or environmental impact statement, regulatory flexibility analysis, and OMB Clearance Packages
- public comments submitted in response to a Petition for Rulemaking, an Advanced Notice of Proposed Rulemaking, or a Notice of Proposed Rulemaking
- Committee to Review Generic Requirements (CRGR) minutes and recommendations concerning the draft rule
- the ACRS/ACMUI/ACNW/ASLBP comments on the draft rule
- the Commission Paper transmitting the draft rule to the Commission or the memorandum transmitting the rule to the EDO for approval
- the transcript or summary of the Commission meeting or briefing on consideration of the draft rule
- the Staff Requirements memo containing the Commission recommendations on the draft rule
- the Federal Register Notice for the rule (Petition for Rulemaking, Advanced Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, Final Rule, or any other Federal Register notice issued concerning the rule)
- any other documents of central relevance (e.g., interagency correspondence, agreement state correspondence)

2. Hand-written documents, drawings, charts, etc., should be scanned into ADAMS.
3. The project manager (at the completion of a particular rulemaking action-publication of the proposed or final rule) compiles an index of all documents that comprise the regulatory history file. The project manager is responsible for identifying a source of access for each document listed. For internal documents, this will require the project manager to ascertain whether each document listed is available in the ADAMS system. The project manager must ensure that any internal document not already available in the ADAMS system is placed in the system. In the case of published documents (e.g., NUREGS, NTIS publications, books, articles, etc.), it will be sufficient to include the bibliographic citation for that document. The project manager shall forward the completed index to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, within 60 days after the completion of the rulemaking. The title of the index should be the name of the rule and applicable NRC citation (e.g., 10 CFR Part 50, as it appears in the Federal Register notice, the Federal Register citation and date of publication).

Office of Administration

The Rules and Directives Branch, Division of Administrative Services, Office of Administration (ADM), is responsible for ensuring that a completed index of the documents comprising the regulatory history has been compiled for each proposed and final rulemaking and for retaining these indices. Questions regarding regulatory history may be directed to David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, ADM, at 415-7162 (e-mail: DLM1).