

February 9, 2001

The Honorable W.J. "Billy" Tauzin, Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

In response to your letter of February 6, 2001, requesting information on the extent to which the Nuclear Regulatory Commission (NRC) is voluntarily complying with the President's regulatory review plan, I am pleased to provide responses to each of your requests for information.

1. State whether, and to what extent, your agency is voluntarily complying with the resident's requests, and explain any decision by your agency not to fully comply.

In light of its particular circumstances, the Commission has not deferred the issuance of any proposed or final regulation or delayed the effective date of any final rule. The NRC is an independent Federal regulatory agency. NRC's regulatory authority resides in a five-member bipartisan Commission that collectively sets the regulatory policy for the agency. The Commission's regulatory philosophy is to ensure that its regulations are needed and are carefully crafted to impose the minimum burdens necessary to protect public health and safety. The Commission will continue to evaluate carefully the regulatory burden and the safety impacts of any regulation requiring Commission approval. The Commission will also continue to comply fully with those provisions of Executive Order 12866, "Regulations Planning and Review," that apply to independent agencies.

2. List all regulations that fall within each of the three categories specified in the President's directive.

The NRC has not sent any new proposed or final regulations to the Office of the Federal Register (OFR) for publication since January 20, 2001. We had no regulations that had been sent to the OFR but not published by January 20, 2001. We have eight regulations that were published before January 20, 2001, but had not become effective as of that date. The enclosed table identifies these eight regulations.

3. A list of those regulations that your agency considers excluded from this review because they were promulgated pursuant to judicial or statutory mandates.

The NRC published one rule that was issued under a statutory mandate. The Commission believes that the final rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (10 CFR Part 5: 66 FR 708; January 4, 2001 - Effective February 5, 2001) falls within this category.

4. A list of those regulations that you have requested permission from the Office of Management and Budget (OMB) to exclude because they impact critical health and safety functions. Please also indicate the status of OMB's review of each such request.

The NRC has not requested permission from OMB to exclude any regulation because of its health and safety impact.

Our contact for the status of all NRC rulemaking efforts is Michael T. Lesar (301) 415-7163 or e-mail: [mtl@nrc.gov](mailto:mtl@nrc.gov). Please let me know if you have further questions or need additional information.

Sincerely,

*/RA/*

Richard A. Meserve

Enclosure: As stated

cc: The Honorable John D. Dingell, Ranking Member