

EDO Principal Correspondence Control

FROM: DUE: 02/28/01 EDO CONTROL: G20010090
DOC DT: 02/22/01
FINAL REPLY:

Representative John D. Dingell
Representative Henry A. Waxman

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 01-0126

Chairman

DESC: ROUTING:

The New Administration's Regulatory Review Plan --
Q's on NRC's Implementation and Relationship to
the New Administration (Due: 3/2/01)

Travers
Paperiello
Miraglia
Norry
Reiter
Craig
Burns
Cyr, OGC

DATE: 02/26/01

ASSIGNED TO: CONTACT:
ADM Springer

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with OGC.
Ref. G20010034.

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Feb 26, 2001 09:30

PAPER NUMBER: LTR-01-0126 **LOGGING DATE:** 02/26/2001
ACTION OFFICE: EDO

AUTHOR: JOHN DINGELL
AFFILIATION: REP
ADDRESSEE: RICHARD MESERVE
SUBJECT: WHITE HOUSE MEMORANDUM OUTLING THE NEW ADMINISTRATION'S
REGULATORY REVIEW PLAN.....QUESTIONS RE NRC'S IMPLEMENTATION AND
RELATIONSHIP IN REGARDS TO NEW ADM POLICY REGULATORY PROCESS.....

ACTION: Signature of Chairman
DISTRIBUTION: CHAIRMAN, COMRS, EDO, RF

LETTER DATE: 02/22/2001
ACKNOWLEDGED No
SPECIAL HANDLING: COMMISSION CORRES
NOTES: EDO..COORD WITH OGC
FILE LOCATION: ADAN

DATE DUE: 03/01/2001
03/02/2001 **DATE SIGNED:**

EDO --G20010090

Congress of the United States
House of Representatives
Washington, DC 20515



February 22, 2001

The Honorable Richard A. Meserve
Chairman
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Dear Chairman Meserve:

On January 20, 2001, White House Chief of Staff Andrew H. Card, Jr., issued a memorandum outlining the new Administration's regulatory review plan. This plan calls for Federal agencies to withhold making effective any new regulation or taking action on any pending regulation unless otherwise authorized to proceed by the Office of Management and Budget (OMB) or a new Bush Administration appointee. Speaking about the new role for OMB in regulatory affairs, OMB's newly confirmed Director, Mitchell E. Daniels, Jr., told U.S. News and World Report "...that he is resurrecting OMB's tough-guy role. Every budget, rule, and regulation will face a 'second opinion' before being OK'd." Washington Whispers, U.S. News and World Report (February 19, 2001).

In addition to departments and agencies of the Executive Branch, Chief of Staff Card's memorandum asks that independent agencies, such as yours, participate "voluntarily" in this regulatory review "in the interest of sound regulatory practice." Let us emphatically and clearly state that there are no circumstances where it would be appropriate for an independent agency to "voluntarily" or otherwise submit its regulatory actions for review and approval to OMB or to any other Executive Branch agency or official. Your agency's independent status is not something you, or this Administration, can choose to disregard. Rather, it is based in statutory law that was passed by the Congress and signed by former Presidents. We, therefore, urge you to preserve and to protect the independence conferred on your agency by Congress, despite requests to the contrary from this or any other Administration.

To better understand the current status of your agency's relationship with the new Administration, we ask that you provide us with your written responses to the following requests for information, along with any other material relevant to our inquiry, no later than Friday, March 2, 2001:

- (1) Please provide a copy of any written communication (including electronic) you or any other employee of your agency has received from any official or employee of

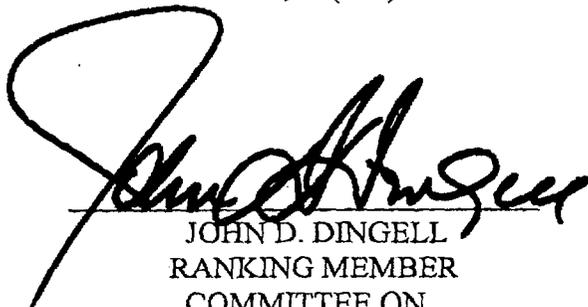
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the Executive Branch requesting that your agency submit regulatory proposals to OMB as part of the new Administration's regulatory review plan. Please identify both the source of any such communication and the agency official or employee to whom it was directed.

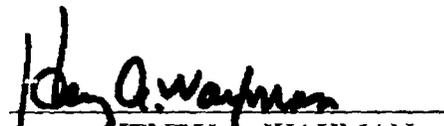
- (2) Please identify any verbal communication from any official or employee of the Executive Branch requesting that your agency comply with any aspect of the new Administration's regulatory review plan. Please identify both the Executive Branch official or employee and the agency official or employee who received any such verbal communication.
- (3) Please provide a copy of any written communication (including electronic) you or any other employee of your agency has received from any official or employee of the Executive Branch requesting that your agency comply with any procedures other than those procedures developed and carried out by your agency in compliance with its statutory mandate to conduct its regulatory actions in an independent manner.
- (4) Please provide a copy of any written response (including electronic), as well as a written description of any verbal response, you or any other employee of your agency has made to any written or verbal request from any official or employee of the Executive Branch that your agency comply with any aspect of the new Administration's regulatory review plan.
- (5) Please describe the procedures your agency follows in adopting rules and regulations.

Thank you for your cooperation. If you have any questions regarding this matter, you may contact us or have your staff contact Bruce Gwinn, Committee on Energy and Commerce Democratic Staff, at (202) 226-3400 or Michelle Ash, Committee on Government Reform Democratic Staff, at (202) 225-5420.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER
COMMITTEE ON
ENERGY AND COMMERCE



HENRY A. WAXMAN
RANKING MEMBER
COMMITTEE ON
GOVERNMENT REFORM

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cc: The Honorable W.J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce

The Honorable Dan Burton, Chairman
Committee on Government Reform