

# U.S. NUCLEAR REGULATORY COMMISSION

## DIRECTIVE TRANSMITTAL

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To: NRC Management Directives Custodians

Subject: Transmittal of Directive 6.3, "The Rulemaking Process"

Purpose: Directive 6.3 is being revised to reflect the change in the delegation of the rulemaking function from the Office of the Chief Information Officer to the Executive Director for Operations, to add an instance in which a rulemaking plan is not needed, and to incorporate other minor editorial changes.

Office and  
Division of Origin: Office of Administration

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# The Rulemaking Process

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Directive  
6.3

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# U. S. Nuclear Regulatory Commission

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ADM

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## The Rulemaking Process

### Directive 6.3

#### Policy

(6.3-01)

It is the policy of the U.S. Nuclear Regulatory Commission to develop quality rules that are consistent with the requirements of all applicable laws and regulations and to ensure increased efficiencies in its rulemaking process.

#### Objectives

(6.3-02)

- To ensure that schedules for rulemaking actions are established and met. (021)
- To ensure coordination among offices and the efficient use of staff resources during the development of rulemaking actions. (022)
- To ensure that Agreement States are provided an opportunity to comment on draft rulemaking plans and rulemaking actions. (023)
- To provide maximum opportunity for the full and robust participation by the public and stakeholders in rulemaking proceedings. (024)

Organizational Responsibilities and  
Delegations of Authority  
(6.3-03)

Commission  
(031)

- Directs the initiation of rulemaking activities. (a)
- Approves or denies each rulemaking plan, or major modification to a plan, not under the authority delegated to the Executive Director for Operations (EDO) or the Chief Financial Officer (CFO). (b)
- Approves or denies each proposed and final rule not under the authority delegated to the EDO or the CFO. (c)

Executive Director for Operations (EDO)  
(032)

- Approves the rulemaking plan, or any modifications to the plan, for each rulemaking that will be issued under the authority delegated to the EDO. (a)
- Directs the initiation of rulemakings within the scope of the authority delegated to the EDO, as appropriate. (b)
- If necessary, resolves issues preventing office concurrence on a rulemaking. (c)
- Within 20 calendar days of receipt of a proposed rule or a final rule— (d)
  - Transmits the rule for Commission action. (i)
  - If necessary, returns the rule to the staff for modification or resolution of questions within a specified schedule. (ii)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

### Executive Director for Operations (EDO) (032) (continued)

- If appropriate, notifies the Commission of the intent to issue the rule under the authority of the EDO. (iii)

### Deputy Executive Director for Management Services (DEDM) (033)

- Oversees the rulemaking process for the EDO to provide central coordination for the NRC rulemaking program. (a)
- Ensures consistency in methods used to develop and issue rules through the Rulemaking Coordinating Committee. (b)
- Oversees the development of the annual Rulemaking Activity Plan. (c)
- Submits semiannual status reports on petitions for rulemaking to the EDO. (d)

### Chief Financial Officer (CFO) (034)

- Reviews rulemaking plans and all proposed and final rule documents to ensure that— (a)
  - Resources required to complete and implement the rulemaking have been fully and properly addressed. (i)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

### Chief Financial Officer (CFO)

(034) (continued)

- Rulemakings that have a potential to affect the agency's license fee and annual fee schedules have been coordinated. (ii)
- Forwards comments on rulemaking plans and proposed and final rules to the lead office. (b)
- Approves the rulemaking plan, or any modifications to the plan, for each rulemaking that will be issued under the authority delegated to the CFO. (c)
- If a rulemaking will be issued under the authority delegated to the CFO, directs the preparation of the rulemaking plan, the *Federal Register* notices, and all required supporting documents. (d)

### Chief Information Officer (CIO)

(035)

- Reviews rulemaking plans and all proposed and final rule documents to ensure that information technology effects of the rulemaking have been adequately evaluated and addressed and to ensure compliance with the information collection requirements of the Paperwork Reduction Act and the agency's policies and procedures governing information management. (a)
- Forwards comments on rulemaking plans and proposed and final rules to the lead office. (b)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

### Inspector General (IG) (036)

- Reviews rulemaking actions and makes recommendations concerning the effect of rulemaking actions on the economy and the efficiency of programs and operations administered or financed by the NRC or the prevention of fraud and abuse in these programs. (a)
- Forwards comments to the lead office or the Commission, as appropriate. (b)

### General Counsel (GC) (037)

- Analyzes each request for a rulemaking action for legal sufficiency. (a)
- Reviews rulemaking actions in accordance with Office of the General Counsel (OGC) Policy and Procedure Directive Number 14 governing review and approval of papers. (b)
- Reviews rulemaking actions to ensure that they are consistent with current rules and other authoritative statements of NRC policy, including, for example, consistency in the use of wording, terminology, definitions, and risk standards. (c)
- Forwards comments on rulemaking plans, including OGC's analysis of legal sufficiency, demonstrating that no known basis exists for a legal objection to the lead office. (d)
- Forwards comments on rulemaking documents to the lead office or the Commission, as appropriate. (e)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

General Counsel (GC)  
(037) (continued)

- Designates a staff attorney to provide legal advice and support.  
(f)

Director, Office of Congressional  
Affairs (OCA)  
(038)

- Keeps Congress fully and currently informed of all NRC activities, including rulemaking actions. (a)
- Signs and transmits the letters and forms to Congress concerning NRC rulemaking actions. (b)

Director, Office of Public Affairs (OPA)  
(039)

- Determines whether a press release is needed for a rulemaking action. (a)
- If a press release is needed, designates an OPA representative to prepare a draft press release for comment and review by the lead office. (b)

Director, Office of Enforcement (OE)  
(0310)

- Determines whether changes to the NRC Enforcement Policy are needed because of the rulemaking action. (a)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

Director, Office of Enforcement (OE)  
(0310) (continued)

- Determines whether the criminal penalties section for each part affected by the rulemaking action must be amended to reflect the action. (b)
- Ensures that *Federal Register* notices include an appropriate criminal penalty statement. (c)

Director, Office of Administration (ADM)  
(0311)

- Informs the EDO of a rulemaking initiated by offices not reporting to the EDO if the rulemaking will require resource planning by the EDO. (a)
- Chairs meetings of the Rulemaking Coordinating Committee. (b)
- Assigns the rulemaking identification number (RIN) (see paragraph (6.3-09) of this directive). (c)
- Maintains the NRC Rulemaking Website. (d)
- Reviews rulemaking actions to ensure compliance with the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act of 1996, the Federal Register Act, 1 CFR Chapters I and II, and the Presidential memorandum of June 1, 1998, on plain language and to ensure that the rulemaking actions are consistent with current regulations and other authorization statements of agency policy including, for

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

Director, Office of Administration (ADM)  
(0311) (continued)

example, consistency in the use of wording, terminology, and definitions. (e)

- Forwards comments on rulemaking plans and rulemaking actions to the lead office. (f)
- Receives and processes petitions for rulemaking, including determining whether the petition includes the information required in 10 CFR 2.802(c); docketing; and preparing a notice of receipt to be published in the *Federal Register*. (g)

Director, Lead Office  
(0312)

- Initiates and develops each element of a rulemaking action in subject areas for which the office is responsible. (a)
- Designates an office representative for each rulemaking action that coordinates the rulemaking action; leads a working group, as appropriate; leads the preparation of the rulemaking plan, the *Federal Register* notices, and the required supporting documents; and obtains necessary concurrences. (b)
- Establishes a working group, as appropriate, to assist in the preparation of the rulemaking plan and the proposed and final rule packages and in obtaining necessary concurrences. (c)
- In consultation with OGC and other offices that will participate in the rulemaking, prepares a rulemaking plan for

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

Director, Lead Office

(0312) (continued)

each contemplated rulemaking (see paragraph (042) of this directive for circumstances in which a rulemaking plan is not needed). The rulemaking plan must include a basis for and an indication of whether the rulemaking action will be a “major rule” as defined in the Small Business Regulatory Enforcement Fairness Act, or other law (see the “NRC Regulations Handbook,” NUREG/BR-0053, Appendix F, for a definition of the term “major rule” and an explanation of the requirements of this act). (d)

- Determines the offices from which office concurrence will be requested on the rulemaking plan and the *Federal Register* notices. (e)
- Ensures that draft rulemaking plans and *Federal Register* notices that have a significant impact on NRC policy or program structure are submitted to the Office of the Inspector General at the interoffice coordination stage. (f)
- Coordinates rulemaking actions with other Government agencies (e.g., the Environmental Protection Agency, the Department of Energy) when such action is required by statute or regulation. (g)
- Recommends to the EDO whether or not to initiate the proposed rulemaking. (h)
- Informs the Commission via an information paper submitted by the EDO or the CFO of the draft rulemaking plan and makes the draft rulemaking plan available to the advisory committees,

Organizational Responsibilities and  
Delegations of Authority  
(6.3-03) (continued)

Director, Lead Office  
(0312) (continued)

the NRC staff, and Agreement States (see paragraphs (071) and (072) of this directive for a discussion of when the NRC will issue a draft rulemaking plan). (i)

- For assigned rulemakings, prepares the *Federal Register* notices and the required supporting documents. (j)
- Solicits early Agreement State participation from a technical standpoint in the office's area of responsibility in applicable rulemakings through the Office of State and Tribal Programs. (k)
- Coordinates with OPA to determine whether a press release is appropriate and, if so, provides OPA with information sufficient to develop the press release and includes the draft OPA press release in the rulemaking package. (l)

Director, Office of State and Tribal Programs (STP)  
(0313)

- Designates an office representative to participate in a working group, as appropriate, and to coordinate Agreement State participation. (a)
- Coordinates interaction with Agreement States for applicable rulemakings. (b)
- Designates an office representative to participate in an NRC Agreement State working group, as appropriate, and

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

Director, Office of State and Tribal Programs (STP)  
(0313) (continued)

coordinates Agreement State participation in such a working group in accordance with Management Directive (MD) 5.3, "NRC and Agreement State Working Groups." (c)

- Forwards responses received from the Agreement States to the lead office. (d)

Chairs, Advisory Committees  
(0314)

As appropriate, review and provide comment to the lead office or the Commission on the rulemaking plan and the proposed and final rule packages.

Directors, Concurring Offices  
(0315)

- Designate an office representative and an alternate to coordinate each rulemaking action, including development of the rulemaking plan, and indicate whether the representative is authorized to provide office concurrence while participating as a member of the working group, and also designate other key staff, as necessary, to assist in developing documents necessary for the rulemaking. (a)
- Respond to the lead office within 20 calendar days of the date of the transmittal memorandum with any questions or concerns regarding any technical analysis of information or data that may invalidate or raise doubts about the proposal. (b)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

### Directors, Concurring Offices

(0315) (continued)

- Review rulemaking actions to ensure that they are consistent with current rules and other authoritative statements of agency policy, including, for example, consistency in the use of wording, terminology, definitions, and risk standards. (c)
- Forward comments on rulemaking plans and rulemaking documents to the lead office. (d)
- Sign for his or her office regarding concurrence on the rulemaking action or delegate concurring authority to the designated working group member or other appropriate official. (e)

### Office Representative (or Alternate)

(0316)

- The office representative for the lead office has the following responsibilities: (a)
  - Leads the activities of the working group. (i)
  - Prepares or coordinates the preparation of the rulemaking plan, the *Federal Register* notices, and required supporting documents. (ii)
  - Keeps office management informed of the status of the rulemaking or any policy issues that may arise. (iii)
  - Obtains necessary concurrences or coordinates the concurrence process. (iv)

## Organizational Responsibilities and Delegations of Authority

(6.3-03) (continued)

### Office Representative (or Alternate)

(0316) (continued)

- The office representative for concurring offices and OGC has the following responsibilities: (b)
  - Keeps office management informed of any policy issues that could affect office interests or that constitute a basis for legal objection. (i)
  - Oversees office reviews regarding factual matters in the concurrence document. (ii)
  - Interacts in the concurrence process either in the traditional role or as a member of a working group. (iii)
  - Oversees office development of rulemaking documents as assigned. (iv)

## Rulemaking Plan

(6.3-04)

The rulemaking plan encompasses the following activities: (041)

- Defining the regulatory problem or issue to be resolved and describing preliminary concepts of actions needed to resolve the problem. (a)
- Providing OGC's analysis of legal sufficiency, demonstrating that no known bases exist for a legal objection. (b)

## Rulemaking Plan

(6.3-04) (continued)

- Providing the rationale that the rulemaking will be cost-effective and will meet backfit rule criteria, where appropriate, and indicating whether the rulemaking will be a major rule. (c)
- Indicating whether any known Agreement State issues exist. (d)
- Discussing the basis for and the proposed Agreement State compatibility classifications for the rulemaking action, if appropriate. (e)
- Identifying supporting documents. (f)
- Identifying resources required to complete and implement the rulemaking. (g)
- Indicating whether the lead office recommends that the EDO issue the rulemaking. (h)
- Identifying the lead office staff and staff of participating offices, including the office representative and an alternate, who will be involved in the rulemaking process. (i)
- Identifying, if appropriate, members of a working group. (j)
- Specifically addressing whether enhanced public participation should be employed in the rulemaking process and when an enhanced effort is to be used. (If enhanced public participation is contemplated, the plan must provide more detail on planning time and resources necessary to conduct the rulemaking effectively. The plan also must describe special measures or procedures to be employed [e.g., whether the rulemaking is a negotiated rulemaking].) (k)

## Rulemaking Plan

(6.3-04) (continued)

- Providing schedules for preparing supporting documents and completing the proposed rule and comment evaluation process. (l)

A rulemaking plan is not needed if— (042)

- The Commission specifically directs the initiation of a rulemaking action. The lead office is responsible for notifying STP, which, in turn, informs the Agreement States, when applicable. (a)
- The issue to be resolved is of sufficient urgency that the lead office director, OGC, and the EDO will exercise direct oversight of the writing of the rule. The EDO formally notifies the Commission of this activity, usually via an information paper; provides a rationale for proceeding without a rulemaking plan; and obtains approval from the Commission. The lead office is responsible for notifying STP, which, in turn, informs the Agreement States, when applicable. The proposed rule is submitted to the Commission for approval. This need to obtain Commission approval for not preparing a rulemaking plan does not diminish the authorities specifically delegated to the office directors, OGC, and the EDO regarding matters that are a significant threat to public health and safety. (b)
- The issue is addressed through the issuance of a direct final rule. (c)
- The rulemaking action is to issue or amend a certificate of compliance for a spent fuel storage cask. (d)
- The rulemaking action is purely administrative or corrective in nature. (e)

## Working Group (6.3-05)

If a working group is appropriate for a specific rulemaking action, staff from the lead office, concurring offices, and OGC comprise the working group.

- A working group should have— (051)
  - A task leader from the lead office. (a)
  - A member from other branches within the lead office that have program responsibilities related to the rulemaking. (b)
  - A member from OGC to provide legal advice and support. (c)
  - Staff from other offices, as appropriate. (If the involvement of another office in a rulemaking is limited to a specific area, such as matters related to regulatory flexibility, information collection, Agreement State compatibility, or enforcement, the involvement of the working group member from that office may be limited to that specific area.) (d)
- The working group is responsible for— (052)
  - Assessing the scope of the rulemaking action, identifying the tasks necessary to complete the rulemaking action, identifying members responsible for completing these tasks, and developing schedules and resource estimates for completing each stage of the action. (a)
  - Assisting the lead office in the preparation of the rulemaking plan, the proposed and final rule packages, and all necessary supporting documents. (b)

Working Group  
(6.3-05) (continued)

- Addressing comments, estimating the information collection burden, and preparing briefing materials. (c)
- Reviewing contractor reports or monitoring contractor effort if contract support is necessary. (d)
- Preparing associated guidance, including licensing, inspection, and enforcement guidance, as appropriate, and coordinating the completion of the guidance documents so that the final guidance is available when the final rule becomes effective. (e)
- Facilitating the concurrence process. (f)

Concurrences  
(6.3-06)

Office Concurrence  
(061)

- Office concurrence means that the concurring office— (a)
  - Agrees with the overall approach, objective, technical content, and resource impacts of the rulemaking action. (i)
  - Believes that the rulemaking action will not adversely affect or conflict with other NRC programs and policies in their area of responsibility. (ii)
  - Agrees that the material for which the office has a programmatic basis for judgment is factual and accurate. (iii)

## Concurrences

(6.3-06) (continued)

### Office Concurrence

(061) (continued)

- Office concurrence on rulemaking plans and *Federal Register* notices is requested from— (b)
  - All other NRC offices that are affected by or interested in the rulemaking action from a technical standpoint in their area of responsibility. (i)
  - OGC. (ii)
  - Rules and Directives Branch (RDB), ADM. (iii)
  - Information Management Branch, OCIO. (iv)
  - OE. (v)
  - OCFO. (vi)

### OGC Concurrence

(062)

OGC concurrence means that from OGC's standpoint, the recommended action is—

- Legally sufficient. (a)
- Consistent with existing Commission policy. (b)
- Supported by OGC. (c)

## Concurrences

(6.3-06) (continued)

### OGC No Legal Objection

(063)

No legal objection means that—

- The recommended action is legally sufficient. (a)
- OGC is not taking a position with respect to the policy aspects of the recommendation. (b)

### Coordination With Agreement States

(6.3-07)

- For rulemakings that may affect Agreement States, the director of the lead office— (071)
  - In consultation with the appropriate NRC offices and OGC, develops a draft rulemaking plan that includes suggested Agreement State compatibility classifications for the proposed rule. (If the compatibility classification for Agreement State regulations is “C” or “H and S,” which is explained in MD 5.9, “Adequacy and Compatibility of Agreement State Programs,” the essential objectives of each section of the proposed rule need to be identified. [Also see STP Internal Procedure SA-200, “Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements.”]) (a)
  - After office concurrence on the draft rulemaking plan, submits the draft rulemaking plan to the EDO or the CFO, as appropriate. (The EDO or the CFO provides a copy of the draft rulemaking plan to the Commission via an information paper.) (b)

## Coordination With Agreement States

(6.3-07) (continued)

- When the information paper is submitted to the Commission, provides the draft rulemaking plan, marked in block form **PREDECISIONAL DRAFT INFORMATION, FEDERALLY PROTECTED, NOT FOR PUBLIC DISCLOSURE**, to STP. (STP will provide the Agreement States 45 days to comment, following STP Internal Procedure SA-800, “Providing NRC Predecisional Documents to Agreement States.”) (c)
- Notifies the Council Chair of the Conference of Radiation Control Program Directors (CRCPD), who has responsibility for the Suggested State Regulations (SSRs), through the Technical Conference Forum (<http://techconf.llnl.gov>) via the NRC Home Page (<http://www.nrc.gov>). (d)
- In concert with the appropriate NRC offices and OGC, revises the draft rulemaking plan in response to comments received from the Agreement States and CRCPD. (e)
- Provides the revised plan to the Commission for approval, including the staff's disposition of the Agreement State and CRCPD comments. (f)
- If the Commission approves the rulemaking plan, notifies the CRCPD Council Chair, who has responsibility for SSRs, so that development of an SSR, if desired, may parallel the rulemaking through the Technical Conference Forum (<http://techconf.llnl.gov>) via the NRC Home Page (<http://www.nrc.gov>). (g)
- If the Commission does not approve the rulemaking plan, notifies STP and the CRCPD Council Chair of the plan's disapproval through the Technical Conference Forum (<http://techconf.llnl.gov>) via the NRC Home Page (<http://www.nrc.gov>). (h)

## Coordination With Agreement States

(6.3-07) (continued)

- For rulemakings that may affect Agreement States, the Director of STP— (072)
  - Makes available the predecisional draft rulemaking plan to the Agreement States and allows 45 days for their comments, according to STP Internal Procedure SA-800, through the Technical Conference Forum (<http://techconf.llnl.gov>) via the NRC Home Page (<http://www.nrc.gov>). The lead office project manager also has access to this separate area of the Technical Conference Forum. If a rulemaking plan is not needed, notifies Agreement States of the rulemaking action. (a)
  - After the expiration of 45 days, provides to the lead office any comments received directly by STP from Agreement States. (b)
  - Notifies the Agreement States of the Commission's approval or disapproval of the rulemaking plan. (c)

## Reports

(6.3-08)

RDB, ADM, is responsible for preparing—

- The NRC Regulatory Agenda and the Unified Agenda of Regulatory and Deregulatory Actions (a)
- The annual Regulatory Plan submitted to the Office of Management and Budget required by Executive Order 12866 (b)
- The semiannual report to the EDO on the status of all petitions for rulemaking (c)

## Reports

(6.3-08) (continued)

- The Rulemaking Activity Plan that is submitted to the Commission for approval that contains the priorities, schedules, and resources for all approved rulemakings (d)
- The monthly supplements to the NRC Rules and Regulations and reviews the Office of the Federal Register's annual compilation of 10 CFR, Chapter 1 (e)

## Rulemaking Identification

Number (RIN)

(6.3-09)

The RIN is assigned after a rulemaking plan is approved by the Commission or when a draft of the rulemaking action is submitted to RDB for review.

## Applicability

(6.3-10)

The policy and guidance in this directive and handbook apply to all NRC headquarters and regional employees who are involved in the rulemaking process.

## Handbook

(6.3-11)

NUREG/BR-0053, "NRC Regulations Handbook," is the handbook for this directive. It contains a description of the legal requirements for rulemaking and NRC's basic internal procedures.

## Definitions

(6.3-12)

**Advisory committees.** Advisory committees include the Advisory Committee on Reactor Safeguards, the Advisory Committee on the Medical Uses of Isotopes, and the Advisory Committee on Nuclear Waste.

**Lead office.** The lead office for a rulemaking action is the office assigned the responsibility for a rulemaking action, including preparation of the rulemaking plan, the proposed and final rule packages, and any required supporting documents.

## References

(6.3-13)

Administrative Procedure Act (5 U.S.C. 551 et seq.).

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

*Code of Federal Regulations*

Title 1, "General Provisions."

Title 10, "Energy."

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Executive Order 12866, "Regulatory Planning and Review," September 30, 1993.

Federal Register Act (5 U.S.C. Chapter 15).

National Environmental Policy Act (42 U.S.C. 4321 et seq.).

NRC Management Directive (MD) 5.3, "NRC/Agreement State Working Groups."

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References

(6.3-13) (continued)

— 9.17, “Organization and Functions, Office of the Executive Director for Operations.”

NRC Policy Statement on Adequacy and Compatibility of Agreement State Programs, approved by the Commission, June 30, 1997 (62 FR 46517; September 3, 1997).

—, SECY-94-141, “Improvement of the Rulemaking Process,” May 23, 1994.

—, Staff Requirements Memorandum, from John C. Hoyle to James M. Taylor, COMSECY-96-0357 - SECY-96-034, “Interactions With the Agreement States in Rulemaking Planning,” June 11, 1996.

—, Staff Requirements Memorandum, from John C. Hoyle to William C. Parler and James M. Taylor, SECY-94-141, “Improvement of the Rulemaking Process,” June 28, 1994.

NUREG/BR-0053, “NRC Regulations Handbook,” Rev. 5, March 2001.

NUREG/BR-0058, “Regulatory Analysis Guidelines of the USNRC,” Rev. 3, June 2000.

NUREG/BR-0184, “Regulatory Analysis Technical Evaluation Handbook,” January 1997.

Office of the General Counsel Policy and Procedure Directive Number 14, “OGC Review and Signoff of Papers.”

Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

## References

(6.3-13) (continued)

Presidential Memorandum for the Heads of Executive Departments and Agencies, "Plain Language in Government Writing," June 1, 1998.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121).

STP Internal Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

— SA-800, "Providing NRC Predecisional Documents to Agreement States."