



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

January 4, 1995

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GMO Title

The Honorable Alice M. Rivlin
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Ms. Rivlin:

The enclosed report is submitted in accordance with OMB Circular No. A-135 and the November 8, 1994 memorandum from Roger W. Johnson, GSA Administrator.

In summary, the NRC, after exerting substantial efforts to comply with Executive Order 12838, has maintained a level of four discretionary advisory committees and one statutory advisory committee during FY 1994 and expects to maintain that level during FY 1995. One discretionary advisory committee was terminated by the agency in FY 1993. In subsequent communications, OMB and GSA seemed to recognize the NRC's need to maintain the remaining committees.

Sincerely,

Ivan Selin

Enclosure:
As Stated

cc: GSA Committee Management Secretariat

U.S. NUCLEAR REGULATORY COMMISSION
RESPONSE TO OMB CIRCULAR NO. A-135

Discretionary Advisory Committees

During FY 1994 the NRC maintained all four of its existing discretionary advisory committees (Table 1). No new committees were established and the Commission determined that each of the current committees were continuing to provide the Commission with needed advice and recommendations that could not be obtained by other means.

In FY 1995 the Commission does not anticipate establishing, or terminating, or merging any discretionary committees. The current committees continue to be needed to provide their advice and recommendations. In several instances where establishment of a new advisory committee may have been useful, the NRC staff has determined that other means will meet the agency's needs.

Non-Discretionary Advisory Committees
(Committees Mandated by Statute)

The NRC currently has one statutory advisory committee, the Advisory Committee on Reactor Safeguards (ACRS), established by the Atomic Energy Act of 1954. The ACRS, amongst its other statutory responsibilities, provides the Commission with advice on reactor safety and safety standards.

The Commission is not planning to seek termination of this committee and is unaware of any plans or proposals to establish any new statutory committees (Table 2).

Table 1
 Fiscal Year 1995
 Requirements for Discretionary Advisory Committees

	Fiscal Year 1994 (Actual)	Fiscal Year 1995 (Estimated/Projected)
Agency Ceiling	3	3
Beginning Inventory	4	4
Committees Created (Actual)	0	0
Projected Committees	0	0
Subtotal	4	4
Committees Terminated (Actual or Projected)	0	0
Net Inventory	4	4
Over (Under) Ceiling	1	1

Table 2
 Fiscal Year 1995
 Requirements for Non-Discretionary Advisory Committees
 (Mandated by Status)

	Fiscal Year 1994 (Actual)	Fiscal Year 1995 (Estimated/Projected)
Beginning Inventory	1	1
Committees Created	0	0
Projected Committees		0
Subtotal	1	1
Committees Terminated (Actual or Projected)	0	0
Net Inventory	1	1



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

October 5, 1994

CIRCULAR NO. A-135

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Management of Federal Advisory Committees

1. Purpose. This Circular provides guidance and instructions on the management of Federal advisory committees and requires Executive Departments and agencies to establish a committee planning and review process.
2. Background. On February 10, 1993, the President signed Executive Order 12838, "Termination and Limitation of Federal Advisory Committees," which requires each Executive Department and agency to reduce the number of discretionary committees by one-third. New discretionary advisory committees are subject to review and approval by the Director of OMB.

On June 28, 1994, the Vice President issued a memorandum reiterating Administration policy regarding the maintenance of the reduction targets mandated by Executive Order 12838, as well as new guidance relating to Executive Branch action on advisory committees proposed by statute. The Vice President's memorandum also called for additional savings in committee costs over and above those achieved under E.O. 12838, as recommended by the National Performance Review (NPR).

3. Policy. The Administration is committed to maintaining advisory committees as a way of ensuring public and expert involvement and advice in Federal decision-making. At the same time, the number and cost of advisory committees must be carefully managed. Advisory committees should get down to the public's business, complete it and then go out of business.

Agencies should review and eliminate advisory committees that are obsolete, duplicative, low priority or serve a special, rather than national interest. New advisory committees should be established only when essential to the attainment of clearly defined Executive Branch priorities, as defined by E.O. 12838, and when they will not exceed an agency's advisory committee ceiling as established by the Executive order's reduction requirement.

The Administration will generally not support the establishment of new statutory committees or legislative language that exempts advisory committees from coverage under the Federal Advisory Committee Act (FACA). In addition, each agency should make a concerted effort to work with its Congressional oversight

committees to reduce the number of existing committees required by statute.

4. Definitions. For purposes of this Circular, definitions for "advisory committee," "agency," and other terms are the same as defined in GSA's implementation regulations for the Federal Advisory Committee Act (41 CFR Part 101-6). In addition:

A "non-discretionary advisory committee" is an advisory committee either mandated by Presidential directive or by statute and is subject to the Federal Advisory Committee Act. A "non-discretionary advisory committee" mandated by statute is: (1) specifically identified by name, specific purpose or function in statute, and (2) a committee whose creation or termination is beyond an agency's legal discretion. Advisory committees referenced by general (non-specific) authorizing language or committee report language will not be considered "non-discretionary." In addition, where a statute requires an advisory committee as defined above, but allows for one or more committees, only one committee shall be considered to be required by statute.

5. Required Action. Each Executive Department and agency shall report to OMB annually on the results of its efforts to maintain discretionary committee levels required by E.O. 12838, and other actions to reduce its inventory of non-discretionary statutory committees. This submission will be used by the Director of OMB as the basis for approving requests to establish new committees.

(1) Agency advisory committee management plans will be submitted to OMB and GSA each year and include:

(a) performance measures used to evaluate each committee's progress in achieving its stated goals or mission;

(b) plans for the establishment of any new advisory committees during the coming fiscal year;

(c) a summary of actions taken to ensure the advisory committee reduction goal is maintained; and

(d) the results of a review of non-discretionary advisory committees and plans to continue, terminate or merge these groups through legislation. This will include a list of those committees established by specific statutory authority during the current fiscal year regardless of their coverage under the Federal Advisory Committee Act.

(2) With regard to non-discretionary advisory committees mandated by statute, the agency will notify GSA of plans to establish such committees prior to filing the charter required by section 9(c) of the Federal Advisory Committee Act. Such notification will provide GSA with at least 10 working days to review the proposed committee charter and advise the agency of its recommendations.

6. OMB Responsibilities. The Office of Management and Budget shall:

(a) review and approve agency advisory committee management plans pursuant to Section 5 and in accordance with the Executive order;

(b) set advisory committee ceilings for each agency within the government-wide advisory committee reduction goal established by the Executive order;

(c) work with agencies to control the establishment of statutory advisory committees and develop legislation to terminate those non-discretionary committees which are no longer necessary;

(d) ensure that relevant legislation is reviewed consistent with OMB Circular A-19; and

(e) ensure agencies meet the cost reduction target recommended by the Vice President's National Performance Review.

7. GSA Responsibilities. The General Services Administration shall (in addition to its responsibilities under the FACA and as an agency under Section 5 above):

(a) prepare required justifications and recommendations specified in Section 5 for each advisory committee subject to the FACA and not sponsored by another department or agency;

(b) assist OMB in its management and oversight of advisory committees, including tracking agency compliance with the reduction goals specified by E.O. 12838;

(c) develop guidance, specific reporting formats and instructions to implement Section 5 of this Circular. To the extent practicable, new reporting requirements will be limited to information not readily available through existing sources of data;

(d) provide recommendations to OMB and each agency regarding the continuance or management of advisory committees as required by Section 7(b) of FACA, which mandates an annual comprehensive review of all advisory committees; and

(e) implement section 5(2) of this Circular.

8. Information Contact. Questions about this Circular should be addressed to the Federal Services Branch (202) 395-5090. Questions concerning the role of GSA should be directed to the Committee Management Secretariat (202) 273-3556.

9. Termination Review Date. This Circular will be subject to review two years after issuance.

10. Effective Date. This Circular is effective upon issuance.



Alice M. Rivlin
Acting Director



Administrator
General Services Administration
Washington, DC 20405

November 8, 1994

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ROGER W. JOHNSON
ADMINISTRATOR

A handwritten signature in black ink, appearing to read "Roger W. Johnson", written over the printed name.

SUBJECT: Management of Federal Advisory Committees

As required by section 7(c) of Office of Management and Budget (OMB) Circular No. A-135, enclosed is a request for information to support the continued implementation of the President's policy to control the number of Federal advisory committees.

Executive Order 12838 of February 10, 1993, requires each agency to establish a process for achieving and maintaining a one-third reduction in the number of discretionary advisory committees. In addition, Vice President Gore's memorandum of June 28, 1994, directs each agency to control the establishment of new advisory committees which are specifically mandated by statute, and to reduce the number of such groups overall.

The Vice President also noted that "as we make improvements in committee management that better reflect our priorities, we must assure that individuals appointed to advisory committees represent the diverse talents of the Nation." With this important policy in mind, I urge each agency to increase its efforts to achieve diversity within the ranks of its advisory committees, including, if appropriate, improvements in the selection process.

The General Services Administration (GSA) has made every effort to assure that the information requested under the Circular does not duplicate data already provided under the Federal Advisory Committee Act (FACA). Where possible, GSA will provide OMB with information prepared in conjunction with the Annual Report of the President on Federal Advisory Committees which relates to the specific requirements of OMB Circular No. A-135.

The enclosure contains a summary and overview of the Circular's reporting requirements, and an explanation of what is expected from an agency advisory committee planning process. The attachments to the enclosure provide agency fiscal year 1995 discretionary advisory committee ceilings and the reporting format for agency submissions.

Your response to the enclosed should be provided to the Director of OMB not later than January 6, 1995, with a copy furnished to GSA at the following address:

Committee Management Secretariat (CAM)
General Services Administration
18th and F Streets, NW, Room 7007
Washington, DC 20405

Any questions your staff may have should be directed to Mr. Steve Mertens at OMB on (202) 395-4935, or to Mr. James Dean at GSA on (202) 273-3556.

Enclosures



OMB Circular No. A-135,
"Management of Federal Advisory Committees"
October 5, 1994
Summary and Overview

Office of Management and Budget (OMB) Circular No. A-135, "Management of Federal Advisory Committees," requires that the General Services Administration (GSA) "develop guidance, specific reporting formats and instructions to implement" the requirements of the Circular.

The purposes of the Circular are to assess compliance with the President's policy of controlling the number of discretionary advisory committees as outlined in Executive Order 12838 of February 10, 1993, as well as to reduce the number of non-discretionary advisory committees mandated by statute as required by the Vice President's memorandum of June 28, 1994. The information provided will serve as the basis for continuing review by OMB and GSA of agency requests for the establishment of new advisory committees.

Advisory committee ceilings are based on the end of fiscal year 1992 discretionary inventory and are listed at Attachment 1. Based upon agency submissions, OMB may revise individual agency advisory committee ceilings for fiscal year 1995, as required to address Administration initiatives and priorities.

This summary and the reporting format (Attachment 2) provide additional details for agencies as they institute planning and reporting processes to meet the requirements of the Circular. An overview of these requirements is provided below.

Section 5. Required Action:

Agency advisory committee management plans will be submitted to OMB and GSA each year.

Responses are due on Friday, January 6, 1995, and should be submitted by the agency head to the OMB Director and to the Committee Management Secretariat of GSA.

For fiscal year 1995, agency submissions already provided as part of the annual reporting process required by the Federal Advisory Committee Act (FACA), will satisfy much of the reporting requirements of the Circular. Agency plans to establish new committees and any requests to exceed an agency's advisory committee ceiling in fiscal year 1995 will require a justification to supplement the GSA annual report submission. In the future, annual advisory committee submissions required by FACA and GSA will satisfy the requirements of this Circular.

Section 5. Required Action (Continued):

A summary of actions taken to assure the advisory committee reduction goal is maintained.

Agencies should provide a brief narrative explaining what actions they have taken over the past year and plan to take in the future to assure that advisory committee reductions and their agency ceiling are maintained, and that all unnecessary discretionary advisory committees are terminated in a timely manner.

Plans for the establishment of any new advisory committees during the coming fiscal year.

Circular No. A-135 establishes a governmentwide advisory committee management planning process. The purpose is to assure that the creation of new advisory committees is well thought out; that such groups meet the standards set by the President in E.O. 12838, of a compelling national security, health and safety, or other national interest; that other methods of obtaining public participation have been considered; and that agencies understand they must maintain the total number of advisory committees within their assigned ceilings.

Plans prepared under Circular No. A-135 should attempt to be as inclusive as possible and, in particular, reflect known and/or anticipated requirements for the establishment of new committees, e.g., the creation of grant review or negotiated rulemaking committees. However, these plans should be developed with an understanding that unforeseen external events often impact on the final decision to establish an advisory committee.

Performance measures used to evaluate each committee's progress in achieving its stated goals or mission.

Responses to section 20a. of GSA Form T-820H, used to complete the *Annual Report of the President on Federal Advisory Committees*, if descriptive of individual committee workload and performance measures (i.e., output measures such as committee meetings held and reports/recommendations issued, and qualitative measures such as recommendations implemented or policy and program changes made as a result of committee recommendations) will fulfill this requirement of the Circular. Agencies should carefully review responses to section 20a. to assure that descriptions of committee accomplishments are clearly performance oriented. No separate submission is necessary if these criteria are met. Generic or "boilerplate" responses are not acceptable, and will be returned for further action.

Section 5. Required Action (Continued):

Review non-discretionary advisory committees and plans to continue, terminate or merge these groups through legislation. This will include a list of those committees established by specific statutory authority during the current fiscal year regardless of their coverage under the Federal Advisory Committee Act.

The Vice President, in a June 28, 1994, memorandum, called on agencies to develop a plan to reduce the number of advisory committees mandated by statute. The memorandum further stated the Administration's policy of generally objecting to the establishment of statutory advisory committees or their exemption from FACA. The Circular requires agencies to follow through on the Vice President's instructions regarding statutory committees. Agencies are required to develop a list of advisory committees mandated by statute during the past fiscal year, and to indicate whether these groups were chartered under FACA or statutorily exempted from the Act.

With regard to non-discretionary advisory committees mandated by statute, the agency will notify GSA of plans to establish such committees prior to filing the charter required by section 9(c) of the Federal Advisory Committee Act. Such notification will provide GSA with at least 10 working days to review the proposed committee charter and advise the agency of its recommendations.

This is an ongoing requirement separate from the planning and reporting requirements of the Circular. This requirement will allow GSA and OMB to review proposals to establish statutory advisory committees to ensure compatibility with Administration policy. This action also will confirm that proposals for such groups have been adequately reviewed under OMB Circular No. A-19, Revised, "Legislative Coordination and Clearance." GSA will issue separate guidance implementing this requirement.

Attachment 1

Fiscal Year 1995
Discretionary Advisory Committee Ceiling
by Agency

<u>Agency</u>	<u>Ceiling</u>
USTR	2
USDA	16
DOC	17
DOD	30
ED	1
DOE	11
HHS	178
HUD	1
DOI	75
DOJ	2
DOL	8
DOS	9
DOT	12
TRES	5
VA	14
CFTC	2
EPA	11
FCC	3
FCAH	1
FEC	1
FEMA	3
GSA	1
IDCA	1
ICC	1
NASA	10
NARA	2
NEH	1
NLRB	1
NSF	62
NRC	3
OPM	3
SEC	1
SBA	41
USIA	2
ATBCB	1
FASAB	1
JBEA	1
Total	534

**Reporting Format
For OMB Circular No. A-135**

General

Each submission under OMB Circular No. A-135 must be accompanied by a cover letter from the Agency Head to the Director of the Office of Management and Budget. A copy of each submission must also be provided to GSA's Committee Management Secretariat. The deadline for the provision of this information is Friday, January 6, 1995.

Discretionary Advisory Committees

1. Provide a brief narrative summary of actions taken during fiscal year 1994 to comply with Executive Order 12838. Please include a statistical breakdown using Attachment 2A to illustrate the net effect of your agency's discretionary committee reduction effort, e.g., total number of committees, total groups terminated, merged, and established.

2. Using the format provided in Attachment 2A, please provide a summary of your agency's plan for the establishment, termination, or merger of discretionary advisory committees during fiscal year 1995. This information should be accompanied with a narrative summary of the agency's fiscal year 1995 requirements, including:

- An estimate of new committees required for fiscal year 1995, and a description of their planned purposes, e.g., grant review, negotiated rulemaking, etc.
- A justification of any requirements that exceed the agency's ceiling as outlined in Attachment 1.

**Non-Discretionary Advisory Committees
(Committees Mandated by Statute)**

1. Provide a brief narrative and statistical summary using Attachment 2B, covering actions taken during fiscal year 1994 to reduce the number of non-discretionary committees in your agency's inventory. Include, if appropriate, actions undertaken with Congressional Oversight Committees to limit the number of such groups, or any proposal included as part of the Administration's omnibus advisory committee termination bill (introduced September 27, 1994, as S. 2463).

Reporting Format
For OMB Circular No. A-135

2. Using the format provided in Attachment 2B, please provide a summary of your agency's plan for the establishment, termination, or merger of non-discretionary advisory committees during fiscal year 1995. This information should include:

- A listing of all committees mandated by statute that you expect to be established during fiscal year 1995. Where appropriate, indicate if any such committees to be established are statutorily exempt from coverage under FACA.
- A listing of any committees mandated by statute that were established during fiscal year 1994, but which were statutorily exempted from coverage under FACA.

Attachment 2A

Fiscal Year 1995
Requirements for Discretionary Advisory Committees

	Fiscal Year 1994 (Actual)	Fiscal Year 1995 (Estimated/Projected)
Agency Ceiling (See Attachment 1)		
Beginning Inventory		
Committees Created (Actual)		
Projected Committees		
Subtotal		
Committees Terminated (Actual or Projected)		
Net Inventory		
Over (Under) Ceiling		

Attachment 2B

Fiscal Year 1995
Requirements for Non-Discretionary Advisory Committees
(Mandated by Statute)

	Fiscal Year 1994 (Actual)	Fiscal Year 1995 (Estimated/Projected)
Beginning Inventory		
Committees Created		
Projected Committees		
Subtotal		
Committees Terminated (Actual or Projected)		
Net Inventory		