



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

March 16, 1979

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The Honorable Richard Bolling
Chairman, Committee on Rules
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to respond to your request for comments on H.R. 2 and H.R. 65, both Sunset bills introduced in the 96th Congress. In general the NRC strongly supports the objectives of these bills; that is, to promote governmental efficiency through elimination of inactive and overlapping federal programs and by periodic review of existing budget authority.

Since the NRC's budget authority is ordinarily granted on an annual basis, this agency's programs are scrutinized even more frequently than would be required by H.R. 2 or H.R. 65. It might better serve the intent of these bills to have an annual review of the agency's five year budget plan jointly conducted by the Congressional Budget Office and the Office of Management and Budget. Such a review would have the advantage of eliminating possible overlap between the Executive Branch and the Congress and also provide a mechanism for automatically updating these projections on an annual basis.

Because of the budget system which is currently in use at the NRC, we already have the mechanism in place to comply with the basic provisions of H.R. 65. Therefore our agency would not be greatly affected by this bill. The Commission has previously commented on H.R. 2 and other Sunset legislation. We are therefore enclosing those comments for your Committee's study.

Sincerely,

Joseph M. Hendrie

Enclosures:

1. Letter to Rep. Brooks dated 3/16/79
2. Letter to James Frey dated 12/19/78

cc: Rep. Trent Lott

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

December 19, 1978

Mr. James M. Frey
Assistant Director for
Legislative Reference
Executive Office of the President
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

This letter responds to your request for the views of the Nuclear Regulatory Commission on the Sunset legislation (S. 2), as passed by the Senate on October 11, 1978. We support the policies reflected in the Sunset legislation as an aid to eliminating waste and duplication in the Federal government. The thorough review of program categories contemplated by the legislation would permit both the Congress and the taxpayers to have a greater insight into the scope of Federal government activities. At this time, we have only a few specific comments to make concerning the proposal, as it now stands.

First, it is not clear from our reading of the language of S. 2 whether or how new single year programs, initiated between review cycles, will be examined. Neither is it clear what effect the legislation would have on the extent or the incidence of reviews now conducted annually by the Nuclear Regulatory Commission's three congressional oversight committees. We believe that the reauthorization review under the legislation could take the place of the annual authorization process when the Commission's program is being reviewed, thereby avoiding duplication of oversight functions.

Second, Executive Order 12044, which the Commission has agreed to implement, already provides for a review of existing regulatory programs, especially for their impact on the U.S. economy. To this extent, the Sunset legislation may duplicate existing Presidential efforts to eliminate regulatory waste. In the spirit of the Sunset legislation, these initiatives should be reconciled to avoid overlapping reviews and actions. In addition, we believe the work of the recently established Regulatory

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December 19, 1978

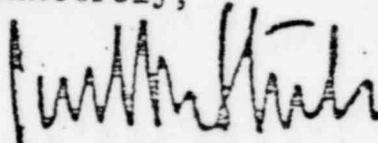
Council could have important implications for the Sunset proposal, and should be carefully reviewed as the legislation is developed.

While we support the idea of a Citizen's Commission to evaluate government activities, we have questions about the scope and nature of access to information which would be provided to this citizen group. Presumably, the legislation would not require release of so-called "embargoed" material and internal working papers not normally provided to OMB or to the Congress until after the President completes his budget mark. The legislation should be clarified to reflect this concern.

Finally, Commissioner Bradford notes, as far as it relates to the NRC, he knows of no justification for the extraordinarily broad condemnation of adjudicatory proceedings in Section 501(a)(4). Regulatory "adjudication" is usually not "after the fact," and it is often the only fair way to resolve contested technical and factual issues in a manner fair to all those affected by an agency's decisions.

We appreciate this opportunity to comment on the proposed legislation.

Sincerely,



Carlton R. Stoiber
Assistant General Counsel
for International and
Legislative Affairs

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