



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

APR 05 1985

MEMORANDUM FOR: Robert B. Minogue, Director  
Office of Nuclear Regulatory Research

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

John G. Davis, Director  
Office of Nuclear Material Safety & Safeguards

James M. Taylor, Director  
Office of Inspection and Enforcement

Patricia G. Norry, Director  
Office of Administration

Guy H. Cunningham, III  
Executive Legal Director

G. Wayne Kerr, Director  
Office of State Programs

Clemens J. Heltemes, Jr., Director  
Office for Analysis and Evaluation of Operational Data

James R. Shea, Director  
Office of International Programs

FROM: William J. Dircks  
Executive Director for Operations

SUBJECT: REGULATORY HISTORY PROCEDURES

In a February 15, 1985 memorandum to Chairman Palladino, issued jointly with the Office of General Counsel, I informed the Chairman that procedures would be developed for the creation of a regulatory history of each proposed and final rulemaking initiated by the offices reporting to the EDO. This memorandum outlines the individual office responsibilities for the implementation of the regulatory history procedures. The objective of the regulatory history is to ensure that all documents of central relevance to a particular rulemaking are identified and accessible. This will facilitate the resolution of any issues that may arise concerning the interpretation of a particular regulation. The following procedures will be applicable to any proposed or final rule submitted to the Federal Register for publication after the date of this memorandum. The Rules and Procedures Branch, Office

of Administration, will provide further information on these procedures, as necessary, in the periodic revision of the NRC Regulations Handbook, NUREG/BR-0053.

### Program Office Responsibilities

Each office that sponsors a proposed or final rulemaking shall ensure that:

1. all documents of central relevance to the factual basis, coverage, meaning, and historical development of the rulemaking are identified, and maintained during the course of the rulemaking. Although the Project Manager's judgment will be necessary in some instances to determine whether specific documents are of "central relevance" to a rulemaking, the following documents should be included:
  - . the Office of Nuclear Regulatory Research (RES) Independent Review Package (containing the RES recommendations on whether to proceed with the rulemaking, the sponsoring Office's recommendation to proceed with rulemaking, and the evaluation of the rulemaking proposal against the six criteria required for the RES Independent Review)
  - . prior drafts of the rulemaking transmitted for interoffice review
  - . formal Office comments on the drafts submitted for interoffice review
  - . source documents relied upon in preparing the draft rule (e.g. research studies, consensus standards endorsed in the draft rule)
  - . documents which synthesize or organize data in a form relied upon in the draft rule
  - . supporting documentation such as the regulatory analysis, the Cost Analysis Group Report, environmental assessment or environmental impact statement, regulatory flexibility analysis, and OMB Clearance Package
  - . public comments submitted in response to a Petition for Rulemaking, an Advanced Notice of Proposed Rulemaking, or a Notice of Proposed Rulemaking
  - . Committee to Review Generic Requirements (CRGR) minutes and recommendations concerning the draft rule
  - . the ACRS comments on the draft rule

- . the Commission Paper transmitting the draft rule to the Commission or the memorandum transmitting the rule to the EDO for approval
- . the transcript or summary of the Commission meeting or briefing on consideration of the draft rule
- . the Staff Requirements memo containing the Commission recommendations on the draft rule
- . the Federal Register Notice for the rule (Petition for Rulemaking, Advanced Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, Final Rule, or any other Federal Register notice issued concerning the rule)
- . any other documents of central relevance (e.g. interagency correspondence, agreement state correspondence)

Documents that fall within any of the above categories must be typewritten rather than handwritten to permit conversion into microfiche by the Document Control System (DCS). If the only record of substantive office review comments on a draft rule are contained as handwritten annotations on the draft itself, the Project Manager should summarize these comments in a typed note to the file.

2. At the completion of a particular rulemaking action, i.e. publication of the proposed or final rule, the project manager shall compile an index of all documents that comprise the regulatory history file. The Project Manager is responsible for identifying a source of access for each document listed. For internal documents, this will require the Project Manager to ascertain whether each document listed is available in the DCS. The Project Manager must ensure that any internal document not already available in the DCS is placed in the DCS, and that the record's accession number is identified for each document on the index. In the case of published documents (e.g. NUREGS, NTIS publications, books, articles, etc.), it will be sufficient to include the bibliographic citation for that document. The Project Manager shall forward the completed index to the Rules and Procedures Branch, Office of Administration, within sixty days after the completion of the rulemaking. The title of the index, and the file, should be the name of the rule and applicable NRC citation (e.g. 10 CFR Part 50) as it appears in the Federal Register notice, the Federal Register citation and date of publication.

Office of Administration

The Rules and Procedures Branch, Office of Administration, will be responsible for ensuring that a completed index of the documents comprising the regulatory history has been compiled for each proposed and final rulemaking. The Rules and Procedures Branch is also responsible for retaining the index and for disseminating copies of the index to interested NRC offices.

(Signed) William J. Dircks

William J. Dircks  
Executive Director for Operations

cc: Herzel H.E. Plaine, GC

DISTRIBUTION

- FXCameron
- WJ01mstead
- OELD R/F
- OELD S/F
- Regs R/F
- Central File
- EDO R/F
- EDO 223
- WDircks
- JRoe
- TRehm
- VStello
- Regional Administrators
- RM
- SDBU/CR
- JPhilips
- WBesaw

*ps...*  
3-25-85

FC	:OELD	:OELD	:ELD	:EDO	:	:	:
AME	:FXCameron:js	WJ01mstead	:GHCunningham	WJDircks	:	:	:
ATE	:3/19/85	:3/19/85	:3/29/85	4/11/85	:	:	: