



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

March 17, 1981

COMMISSION  
CORRESPONDENCE



The Honorable David A. Stockman  
Director  
Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

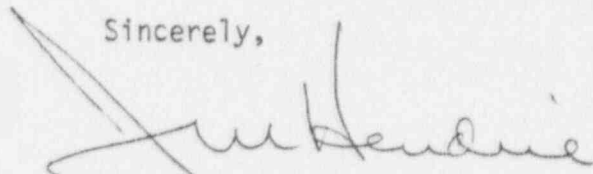
Dear Mr. Stockman:

The U.S. Nuclear Regulatory Commission has received your February 2, 1981 memorandum (M-81-6) concerning "Legislative Coordination and Clearance" under OMB Circular No. A-19. I want to assure you that the NRC will make every effort to assist the Office of Management and Budget to perform its coordination role in the legislative area. However, we would like to make a few comments on the application of the Circular A-19 process to the Commission, as an independent regulatory agency.

The NRC recognizes that proposed legislation concerning budgetary matters must be forwarded to OMB for its review pursuant to the "Budget and Accounting Act of 1921," 31 U.S.C. 11, 23. On the other hand, for non-budgetary proposals developed by NRC which relate to the agency's statutory mission to protect public health and safety, we do not believe there is a statutory obligation to obtain prior approval of OMB before submitting such proposals to Congress. However, as a matter of policy, this agency will make every effort to submit a draft of such legislation to OMB at an early date. OMB should appreciate that NRC has an equivalent obligation to the Congress and intends to exercise its independent judgment on what legislative proposals should be submitted to the Legislative Branch.

The NRC's approach to the OMB clearance process was addressed this past June in response to specific questions posed by Congressman Eckhardt, then Chairman of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce. We have enclosed the relevant agency response with this letter because it generally provides a fuller explanation of the concerns mentioned above. If further clarification of the agency's position is needed, I would be pleased to discuss this matter with you or members of your staff.

Sincerely,



Joseph M. Hendrie

Enclosure:  
Ltr, Ahearne to Eckhardt  
w/enc1., dtd 6/12/81

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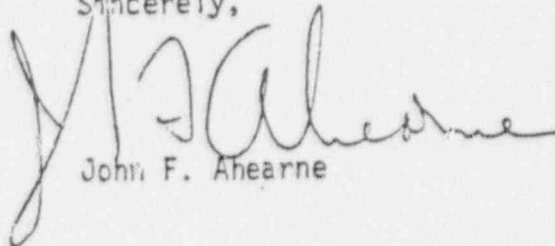
June 12, 1980

The Honorable Bob Eckhardt, Chairman  
Subcommittee on Oversight and Investigations  
Committee on Interstate and Foreign Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The attached paper sets forth detailed responses to the series of questions you submitted to the Nuclear Regulatory Commission concerning the role and impact of the Office of Management and Budget in the administration of laws and the operation of this agency. If the Commission can be of further assistance to you on this matter, please do not hesitate to contact me.

Sincerely,



John F. Ahearne

Attachment as stated

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July 28, 1978

## MEMORANDUM FOR:

Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Kennedy  
Commissioner Bradford

## FROM:

*CJS*  
Carlton R. Stoiber  
Acting General Counsel

## SUBJECT:

LEGAL BASIS FOR NRC BUDGET REFERRAL  
TO OMB

This office has been requested to analyze the issue of whether NRC is obliged under existing federal law to submit its budget to Congress exclusively through OMB.

The question has two aspects. The first aspect is whether NRC must submit its budget request for OMB review. A second aspect is whether NRC is prohibited from making its unaltered budget request available to Congress.

Whether NRC must submit its request through OMB

31 U.S.C. § 23 states: "The head of each department and establishment shall submit his requests for appropriations to the Office of Management and Budget ..."

Section 2 of Title 31, "Definitions," provides that the term "department and establishment" means:

"any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including any regulatory commission or board, and the municipal government of the District of Columbia, but [does] not include the legislative branch of the Government or the Supreme Court of the United States." [Emphasis provided.]

It is beyond question therefore that NRC, along with other independent commissions, is included under the provisions of this title, and must submit budget requests to OMB.

## Contact:

Marjorie S. Nordlinger, OGC  
604-1163

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