

FOIA - 92-224

RESPONSE TYPE

☒ FINAL☐ PARTIAL

DATE

JUL 21 1992

DOCKET NUMBER(S) (if applicable)

REQUESTER

JOSEPH M. FELTON

PART I. AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.☐ No additional agency records subject to the request have been located.☐ Requested records are available through another public distribution program. See Comments section.☐ Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request that are identified in Appendix(es) C are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.☐ Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request are enclosed. (APPENDIX C)☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☒ Fees☐ You will be billed by the NRC for fees totaling \$ _____.☐ You will receive a refund from the NRC in the amount of \$ _____.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No. _____.

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

*You are not being assessed processing fees since the minimal fee limit has not been exceeded.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donna H. Chinsley

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PDR FOIA
FELTON92-224 PDR

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**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**
(CONTINUATION)

FOIA NUMBER(S)

FOIA - 92-224

DATE

JUL 21 1992

PART II B - APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) D are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1 The withheld information is properly classified pursuant to Executive Order. (Exemption 1)

2 The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)

3 The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)

Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4 The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).

5 The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:

Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Attorney work product privilege: (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege: (Confidential communications between an attorney and his/her client.)

6 The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)

7 The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))

Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C))

The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Public-ness Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
JAMES M. TAYLOR	EXECUTIVE DIRECTOR FOR OPERATIONS	APPENDIX D		X	

PART II D - APPEAL RIGHTS

The denial by each denying official identified in Part II C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX C
RECORDS RELEASED TO REQUESTER

NUMBER	DATE	DESCRIPTION
1.	---	EDO Control: 0007460 (1 page) with attachments:
	a. 6/1/92	Memo from Chilk to Taylor and Parler re: COMIS-92-008 - Regulatory Review (3 pages)
	b. 4/29/92	Memorandum from Bush re: Implementing Regulatory Reforms (3 pages)

APPENDIX D

DOCUMENTS BEING WITHHELD IN ENTIRETY

EXEMPTION 5 - PREDECISIONAL INFORMATION

NUMBER	DATE	DESCRIPTION
1.	Undated	Draft memo from Taylor to Morley, et.al. re: Regulatory Review, (3 pages) with following attachments: <ol style="list-style-type: none">1. Requested Actions Regarding Rulemaking in 8 Areas that Meet the Criteria for the Special Review (2 pages)2. Requested Followup Actions for Issues That Do Not Meet the Criteria for the Special Review (7 pages)3. Requested Followup Actions in Response to Two Discussion Items of SECY-92-141 (2 pages)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
EDO Principal Correspondence Control

John
TH

FROM: DUE: 06/05/92 EDO CONTROL: 0007460
DOC DT: 06/01/92
FINAL REPLY:

Samuel J. Chilk
SECY

TO:

Taylor & Parler

FOR SIGNATURE OF: ** PRI **

CRC NO:

Executive Director

DESC:

ROUTING:

REGULATORY REVIEW

Taylor
Sniezek
Thompson
Blaha
Office Directors
Regional
Administrators

DATE: 06/02/92

ASSIGNED TO: RES CONTACT: Beckjord

SPECIAL INSTRUCTIONS OR REMARKS:

(Item 1)

Release

FOIA-92-224



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

OFFICE OF THE
SECRETARY

June 1, 1992

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

William C. Parler
General Counsel

FROM: *for* Samuel J. Chalk, Secretary

SUBJECT: COMIS-92-008 - REGULATORY REVIEW

On April 29, 1992, President Bush issued a directive providing further guidance on the regulatory review program that he initiated earlier this year. (Enclosure) The President requested that agencies set aside the next 120 days to implement regulatory reforms which would eliminate or revise regulations identified as unnecessary or unnecessarily burdensome by the regulatory review requested in the President's January 28, 1992 memorandum. The President requested that to the maximum extent possible, reforms that do not require public comment are to be implemented by June 1, 1992; reforms that have already been noticed for public comment should be issued in final form by August 1, 1992; other reforms requiring public comment should be noticed for comment as soon as possible but no later than June 15, 1992 and targeted to be issued as final rules by August 27, 1992. The President also requested that agencies submit to him on September 1, 1992 a report summarizing all pro-growth reforms implemented since January 28, 1992 and to include an estimate of the cost savings or other benefits to the economy created by such reforms.

The President's most recent initiative also extends the ninety day moratorium on new regulations, with stated exceptions, as described in his January 28 memorandum and requests that agencies submit to the President, in advance of issuance, a complete regulatory impact analysis of each major rule proposed to be issued during this period.

The Commission believes that it can address many aspects of the spirit of the President's initiative without violating our basic statutory responsibilities. The principles set forth in the Commission's February 7, 1992 memorandum remain in effect. The purpose of this memorandum is to provide additional guidance

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on how the Commission intends to address the President's most recent request.

1. For each of the 8 issues identified by the Commission in its April 27, 1992 report to the President as candidates for rulemaking, the staff shall develop proposed rules and shall strive to notice these rules for comment by June 15, 1992 with a view towards promulgating final rules by August 27, 1992. Towards this end, the staff shall provide the Commission with projected schedules for each of the eight issues by June 5, 1992.

(EDO) (SECY Suspense: 6/5/92)

2. In order to facilitate the meeting of the June 15, 1992 target date for Federal Register publication of the proposed rules, the staff may publish the rules for comment without prior ACRS and Commission review.

(EDO) (SECY Suspense: 6/5/92)

3. Staff shall continue as part of its normal duties to look for areas in which rulemaking would further the spirit of the President's initiatives relating to regulatory review. Should additional areas be identified, the Commission should be provided a projected rulemaking schedule.

4. Staff should provide the Commission with a draft of the report requested by the President by August 24, 1992.

(EDO) (SECY Suspense: 8/24/92)

5. If any rulemakings initiated or promulgated by the NRC between now and September 1, 1992 would constitute major rules as defined below, the staff shall promptly notify the General Counsel of this and thereafter promptly provide him with the accompanying regulatory impact analysis. A major rule is defined as any regulation that is likely to result in:

- (1) an annual effect on the economy of \$100 million or more;
- (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or
- (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Should the Commission promulgate any major rules during the regulatory review period they would be issued in accordance with its normal rulemaking process. That process includes the preparation of a regulatory impact analysis, which is already required by the NRC's Regulatory Analysis Guidelines. The NRC's existing regulatory review process satisfies the President's objectives concerning the substance of regulatory impact analysis.

6. During this 120-day implementation period, the agency shall follow its normal rulemaking and regulatory procedures to comply with our statutory mandate to protect the public health and safety and the common defense and security. This rulemaking accords with the President's request, meeting the standards of his memorandum of January 28th.

Enclosure: April 29 Memorandum

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
OIG
OCA
OCAA

THE WHITE HOUSE

WASHINGTON

April 29, 1992

MEMORANDUM FOR CERTAIN DEPARTMENT AND AGENCY HEADS

SUBJECT: Implementing Regulatory Reforms

On January 28, 1992, I issued a memorandum asking each of you to set aside a 90-day period to conduct a review of existing regulations and programs and to accelerate initiatives that will create jobs and stimulate economic growth.

Your response thus far has been excellent. Together, we have already implemented numerous reforms that will ultimately reduce the prices American consumers and businesses pay for energy and transportation, increase the amount of credit available for business expansion and homes, cut red tape for emerging industries such as biotechnology, and reduce many other regulatory barriers to job creation and economic growth.

But much remains to be done. Within the next few days, each of you will be submitting a report outlining additional proposals to eliminate or revise unnecessary, and unnecessarily burdensome, regulations. Every agency has identified a number of reforms that can be accomplished without new legislation. We must make every effort to implement as quickly as possible those proposals that will create jobs and enhance economic growth without endangering public health or safety.

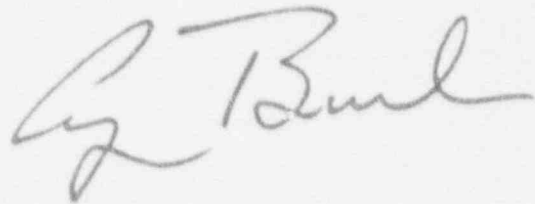
Accordingly, I ask that each of your agencies set aside the next 120 days for this purpose. To that end, I request that, to the maximum extent possible, you adhere to the following specific guidelines:

1. Reforms that do not require public comment should be implemented as quickly as possible, but no later than June 1, 1992. Reforms that have already been noticed for public comment should be issued in final form as quickly as possible, but no later than August 1, 1992.
2. Other reforms requiring public comment should be noticed for comment as soon as possible -- but no later than June 15, 1992 -- with a view to issuing final rules no later than August 27, 1992.
3. On September 1, 1992, each agency should submit an additional report to me. This report should summarize all the pro-growth reforms implemented since January 28. It should also estimate the potential cost savings or other benefits to the economy created by these pro-growth reforms, including an estimate of the expected net increase in jobs.

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4. To ensure that adequate agency resources are devoted to the reform effort, your agency should continue, during this 120-day period, to adhere to the moratorium as described in my January 28 memorandum. I emphasize, as I did then, that this moratorium does not apply to certain limited categories of regulations, including those that respond to situations posing an imminent danger to human health or safety.
5. Your agency should also continue to adhere to the substantive standards detailed in my January 28 memorandum with respect to all programs and regulations. And, to the extent it does not duplicate existing regulatory review processes, you should submit to me, in advance, a complete regulatory impact analysis of each major rule proposed to be issued during this period. This will help ensure that these regulations achieve their objectives at the least cost to American consumers and workers.

In implementing your reforms and in preparing the reports described in paragraph 3, you and your agency's regulatory oversight official should continue coordinating with the Competitiveness Council's Working Group on Regulatory Reform.

A handwritten signature in dark ink, appearing to read "G. Bush". The signature is fluid and cursive, with a large, stylized "G" and a long, sweeping underline.

THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF LABOR
THE SECRETARY OF HEALTH AND
HUMAN SERVICES
THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF EDUCATION
THE CHAIRMAN OF THE INTERSTATE
COMMERCE COMMISSION
THE CHAIRMAN OF THE BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM
THE CHAIRMAN OF THE FEDERAL TRADE COMMISSION
THE CHAIRPERSON OF THE FEDERAL DEPOSIT
INSURANCE CORPORATION
THE CHAIRMAN OF THE SECURITIES AND
EXCHANGE COMMISSION
THE CHAIRMAN OF THE FEDERAL
COMMUNICATIONS COMMISSION
THE CHAIRMAN OF THE FEDERAL
MARITIME COMMISSION
THE CHAIRMAN OF THE EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
THE ADMINISTRATOR OF THE
ENVIRONMENTAL PROTECTION AGENCY
THE CHAIRMAN OF THE NUCLEAR
REGULATORY COMMISSION
THE CHAIRMAN OF THE COMMODITY FUTURES
TRADING COMMISSION
THE CHAIRMAN OF THE FEDERAL ENERGY
REGULATORY COMMISSION

NUCLEAR LICENSING REPORTS

Executive Offices:

200-A Monroe Street, Suite 225
Rockville, Maryland 20850
(301) 424-4132

Mail Order Address:

P.O. Box 10866
Rockville, Maryland 20849-0866

May 8, 1992

Mr. Donnie H. Grimsley, Director
Division of Freedom of Information
and Publication Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-92-224
Rec'd 5-12-92

Dear Mr. Grimsley:

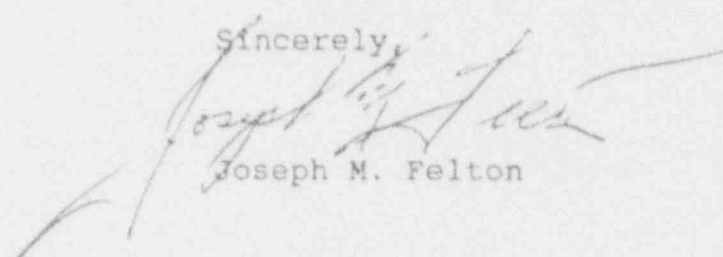
Pursuant to the Freedom of Information Act, Nuclear Licensing Reports requests copies of the records listed below.

Nuclear Licensing Reports is a monthly newsletter designed to inform NRC and Agreement State licensees about new and proposed changes in NRC and state regulations and policies in order that licensees may be better able to carry out their operations in a safe and cost effective manner. Included among its subscribers are NRC and Agreement State licensees, Federal and state regulatory agencies, Congressional committees, and members of the public.

Pursuant to the FOIA and NRC regulations, Nuclear Licensing Reports requests a waiver of search and processing costs, and the first 100 pages of copying costs, as a news media organization.

Please send the records directly to me at the Monroe Street address listed above. Should the number of pages exceed 100, please send the first 100 pages to me, and the remaining pages to the PDR reproduction contractor for copying and charge to my FMI account.

Sincerely,


Joseph M. Felton

Records Requested:

Records showing what actions NRC will take in response to the President's April 29, 1992 memorandum extending his regulatory reform initiative for 120-days.

Records showing those Category II or Category III proposals of the CRGR targeted for action during the 120-day extension.

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