

COMSECY-04-0031

June 4, 2004

MEMORANDUM TO: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield

FROM: Luis A. Reyes */RA/*  
Executive Director for Operations

SUBJECT: RULEMAKING TO REVISE THE LICENSE TERMINATION RULE

In SECY-03-0069, "Results of the License Termination Rule Analysis," dated May 2, 2003, the staff presented an evaluation of current license termination regulations and recommended initiating a rulemaking, including the development of a rulemaking plan, to update and improve on the license termination regulations. A November 17, 2003, Staff Requirements Memorandum communicated the Commission's approval, with several comments, on the SECY-03-0069 recommendations.

Typically, notice and comment rulemakings begin with the development of a rulemaking plan, and a commitment to a rulemaking plan was accordingly included in SECY-03-0069. In addition, as the Commission Paper developed, the key elements of a rulemaking plan were incorporated in SECY-03-0069, to add detail to the paper. For example, SECY-03-0069 contains a description of the regulatory problem and the existing regulatory framework, a discussion of alternatives for resolution, a proposed rulemaking schedule, and an estimate of the resources required for a rulemaking. Therefore, the staff believes that the objectives of a rulemaking plan (namely, to describe the regulatory problem and resolution, to propose a schedule, and to estimate resources) have already been met, and there would be little value added to compiling a new rulemaking plan. Consequently, the staff intends to proceed with rulemaking, beginning with the Proposed Rule. Bypassing the rulemaking plan stage will increase efficiency through resource savings and an expedited schedule. Resource savings will be realized as the 0.3 full-time equivalent in fiscal year 2004 (FY 2004), originally allotted to developing a rulemaking plan, is applied to the Proposed Rule. In addition, this change will allow the staff to accelerate the rulemaking schedule included in SECY-03-0069, by moving certain Proposed Rule activities into FY 2004.

SECY, please track.

cc: SECY  
OGC  
OCA  
OPA  
CFO

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