

Reference: RGL 84-03

Subject: PROCESSING TIME MEASUREMENT

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Originator: DAEN-CWO-N

**Description: PROVIDES GUIDANCE FOR MEASURING PERMIT
PROCESSING TIME TO BE REPORTED ON QUARTERLY REPORT.**

RGL 84-03 SUPPLEMENTS ER 1145-2-307.

1. Permit process times have taken on added significance since the advent of regulatory reform and continue to be the best measure of our progress in streamlining the regulatory program. Procedures in ER 1145-2-307, 12 July 1982, govern the calculation of process time. However, additional clarification is necessary to insure uniform reporting of both process times and application totals. In general, we should remember that we want to answer the question: "How long does it take the applicant to get a permit decision?" rather than: "How long does it take a regulatory branch to process an application?"

2. Start to Finish: Process time (in calendar days) should begin from the date a completed application is received by the Corps (as opposed to receipt by the project manager). "Complete" means enough data is provided to begin evaluation and issue a public notice. Requests for minor information should not affect the "complete" status. The "finish" date to end process time refers to the date the permit or denial letter is first mailed to the applicant. His failure to sign or mail back the permit does not affect process time.

3. Stopping the Clock: Usually, the only situation where processing time may be interrupted is when the applicant withdraws the application before a final decision is reached or the Corps suspends processing at the request of, or due to clear non-cooperation (as in an after-the-fact permit case) by, the applicant. When processing is resumed, the earlier process time should be added to the restart time. Normal time for the applicant to rebut objections is not grounds for "stopping the clock." If the applicant requests a long term tabling of his application while he redesigns his project then the application should be withdrawn. Cancellation should occur only when no further action is anticipated or if the applicant's inaction has indefinitely halted further processing. If a proposal is sufficiently different from the original application and a new Public Notice is required, then it may be considered as a new application. However, where long periods of time are required for an EIS, a Corps real estate action, archaeological survey, CZM problem, etc., processing time must continue. District Commanders may wish to review

the procedures of all offices that have an effect on the permit process in order to expedite their actions. Delays incurred in processing applications are identified in Part III of ENG Form 4592-R. These (including 401-certification) are accountable delays which are required to be reflected in permit processing times. This is important information needed for effective program management. It is not appropriate to extract these delays from processing time, nor to develop internal procedures to withdraw, cancel, or otherwise deactivate applications except as explicitly provided for in 33 CFR 325. There are no procedures for "deactivating" applications while certain actions take place.

4. Multiple Permits: In certain situations several permits may be counted as one permit with one process time when computing a district average time. This applies to situations where a single applicant has submitted several applications for different aspects of the same project, e.g., for portions of a pipeline. All of the applications would have to have been submitted on the same date and completed on the same date for the above situation to apply. Otherwise each permit will be counted separately with its own process time. The above situation would not apply when one agent has submitted applications for several different individuals and the applications are all submitted and completed on the same date. Each of these applications process times must be figured separately in the district average. In addition, several application process times may not be counted as one time merely because they were delayed by a common reason such as an EIS, archaeological survey, etc.

5. Extreme Process Times: When a completed permit has an unusually long process time it may not be excluded from a district's report on the grounds that it distorts the district's average (mean) time. The median time is included on the same report to provide a more meaningful indicator of district performance when one high time has significantly affected a district's average process time for individual permits.

6. General Permits: In counting actions covered by regional permits, a minimum time must be used to account for approval of these activities, even if that time is only one day. Zero will never be used. Applications received but reviewed and found to be covered by a regional or nationwide permit are never counted in a district's formal total of applications received. Applications for individual permits which are considered and withdrawn or cancelled before significant processing has occurred may be counted (provided an individual permit would have been required).

7. Time Extensions and Revisions: Permits which have already been issued cannot be counted again for purposes of statistical record keeping when revisions or time extensions are requested. Only when a permittee submits a redesign requiring a new public notice should, at processing time, be counted and the application be considered as a new action.

FOR THE CHIEF OF ENGINEERS: