



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(FSME-11-093, October, Other, Dissemination of Predecisional Information)

October 5, 2011

ALL AGREEMENT STATES

REMINDER OF THE REQUIREMENTS REGARDING THE PROPER HANDLING AND DISSEMINATION OF PREDECISIONAL INFORMATION ISSUED BY THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) (FSME-11-093)

Purpose: To remind Agreement State management and staff of the procedures and guidance regarding the proper handling and dissemination of predecisional information, including proposed draft/final rules issued by the U.S. Nuclear Regulatory Commission (NRC) that may be encountered during working group activities.

Background: Predecisional information regarding a proposed final rule issued by NRC was recently released to a licensee of an Agreement State.

Discussion: Several documents issued by NRC outline the requirements regarding the dissemination of predecisional information that may be encountered during document development by working group members and others. [Management Directive \(MD\) 5.3](#), "Agreement State Participation in Working Groups," provides specific information regarding rulemaking activities. It states, in part, that draft products containing predecisional information will not be made available to the public by any distribution mechanism. Commission policy recognizes the benefit of early and substantive involvement by the Agreement States in the development of rules, guidance documents, and /or other materials documents. The Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure [SA-800](#), "Providing NRC Predecisional Documents to Agreement States, Organization of Agreement States, Inc. and Appropriate Working Groups of the Conference of Radiation Control Program Directors (CRCPD), Inc." establishes the guidance for providing predecisional documents. FSME procedure SA-800 instructs to not publically disclose and to limit distribution to Agreement State staff of predecisional information. FSME procedure SA-800 further states that, "Under CRCPD procedures, licensees and non-State advisors are excluded from receiving predecisional information." These documents can be found on the FSME website at: <http://nrc-stp.ornl.gov/procedures.html>.

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