

(STP-02-045, May 2002, Program, Rulemaking Improvement)

May 30, 2002

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA, WISCONSIN

**QUESTIONNAIRE FROM NRC RULEMAKING IMPROVEMENT TASK FORCE (STP- 02-045)**

The NRC is evaluating its rulemaking process, including Agreement States' input and interactions in the process.

To facilitate this review, please complete the enclosed questionnaire and provide **comments\*** by **June 29, 2002**, to the point of contact. The questionnaire was discussed at the OAS/CRCPD May 23, 2002, teleconference. Also, there will be a discussion of the questionnaire and any early responses during a teleconference scheduled for June 12, 2002 at 2:30 -3:30 p.m. Telephone: 1-800-638-8081; Pass Code: 2356#.

POINT OF CONTACT: Merri Horn, NMSS/IMNS/RGB      INTERNET: MLH1@NRC.GOV  
TELEPHONE:                    (301) 415-8126                    FAX:                    (301) 415-5385

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Josephine M. Piccone, Deputy Director  
Office of State and Tribal Programs

Enclosure:  
As stated

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\*This information request has been approved by OMB 3150-0029, expiration 06/30/04. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the Information and Records Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

**QUESTIONNAIRE FOR AGREEMENT STATES**

The NRC is evaluating its rulemaking process. How the Agreement States interact with NRC in the development of rules is an integral part of many rules. Therefore, in evaluating the process, the NRC would like to get Agreement State input in the following areas discussed below. Comments are due by June 29, 2002, to the contact for this effort, Merri Horn, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards at (301) 415-8126, FAX (301) 415-5385 and MLH1@NRC.GOV.

1. At what stage in the rulemaking process would the Agreement States like to become involved and to what degree? When the NRC first anticipates the potential need for a rulemaking the staff develops a Rulemaking Plan (in most cases) to outline the regulatory problem (i.e., the need for the rulemaking) and identify options to correct the situation. The Plan may include specific regulatory proposals. The current NRC procedure is to provide the draft Rulemaking Plan to the Agreement States for comment prior to Commission approval of the Plan.
2. When should Agreement States participate on NRC's working group? The working group is responsible for development of the Rulemaking Plan, the proposed and final rule, and all supporting documents. What is the best method to ensure that one Agreement State participant expresses the views of all Agreement States or should a single participant just represent their own State?
3. Should Agreement State involvement be dependant upon various factors (i.e., the potential complexities of the rule, potential impact on States, particular State expertise, etc.)?
4. When the NRC is developing the rule without specific Agreement State support, what is the best method to provide Agreement States NRC products? And what products should the NRC provide (early drafts, drafts prior to going to the EDO/Commission, etc.)?
5. Currently Agreement States can use the TCF to provide input to the NRC. Can this be improved and/or what other methods would Agreement States like to use to provide input to the NRC?
6. How should the NRC treat comments from State officials that are not the official Agreement State comment?
7. How long should the Agreement States generally have to comment?
8. When Agreement States identify a regulatory problem and has the expertise to develop a rulemaking, should Agreement States take the regulatory lead in the rulemaking process?
9. How should the NRC interact/coordinate with Agreement States regarding the setting of priorities for various rulemakings?