



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

January 16, 2019

All AGREEMENT STATES, VERMONT

**ISSUANCE OF OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS (NMSS)
PROCEDURE SA-801A, AGREEMENT STATE PARTICIPATION IN RULEMAKING
WORKING GROUPS (STC-19-005)**

Purpose: To inform the Agreement States, and Vermont, that the Office of Nuclear Materials Safety and Safeguards (NMSS) Procedure SA-801A, *Agreement State Participation in Rulemaking Working Groups* (ML18263A239), has been approved and issued.

Background: Recently, the Commission directed NRC staff to implement several activities to ensure the early engagement of the Commission in the rulemaking process. These activities included drafting a rulemaking plan and a draft and final regulatory basis for each proposed rule. Current NRC and Agreement State procedures are silent on the Agreement State involvement in the rulemaking plan and regulatory basis development process. The new SA-801A takes all of the Commission-directed rulemaking process steps into consideration and provides a detailed procedure of NRC and Agreement State interactions during the entire rulemaking process including petitions for rulemaking.

The new SA-801A will complement other NRC directives and guidance as they relate to initiating, conducting, and managing rulemaking activities. The procedures are based on Management Directive (MD) 6.3, "The Rulemaking Process," NRC Management Directive 5.3, "Agreement State Participation in Working Groups," SA-801, "Agreement State Participation in NRC Working Groups," and SA-800, "Providing NRC Pre-decisional Documents to Agreement States, Organization of Agreement States, Inc., and Appropriate Working Groups of the Conference of Radiation Control Program Directors, Inc."

Discussion: On July 16, 2018, a joint NRC/Organization of Agreement States (OAS) Working Group began drafting SA-801A. The new SA-801A was developed by this working group to enable Agreement State participation early and often throughout the rulemaking process, and clearly outline the roles and responsibilities of NRC and Agreement State members during the common prioritization of rulemaking process, rulemaking plan, regulatory basis, proposed rule, final rule, direct final rule, and petitions for rulemaking.

SA-801A can be found in ADAMS (ML18263A239) and will be posted on the NRC website at <https://scp.nrc.gov>.

If you have any questions regarding this correspondence, please contact me at (301) 415-2486, or the individual listed below:

POINT OF CONTACT: Alexa Sieracki
TELEPHONE: (301) 415-7509

E-MAIL: alexa.sieracki@nrc.gov

/RA/

Patricia K. Holahan, Director
Division of Rulemaking
Office of Nuclear Material Safety
and Safeguards

ADAMS Accession No: ML19017A029

OFC	DRM/MRPB	MSST/ASPB	DRM/MRPB	DRM
NAME	ASieracki	PMichalak	KMorganButler	PHolahan
DATE	01/08/19	01/16/19	01/08/19	01/16/19

OFFICIAL RECORD COPY