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**To:** <cag@nrc.gov>  
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**Subject:** NRC RuleForum Form Submission: Rulemaking Communications Improvements

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**Who:** Peter G. Vernig  
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**Re:** Rulemaking Communications Improvements  
**Comments:**

DOCKETED  
 USNRC

June 6, 2002 (1:44PM)

**TO:** U.S. Nuclear Regulatory Commission  
 Washington D.C.

OFFICE OF THE SECRETARY  
 RULEMAKINGS AND  
 ADJUDICATIONS STAFF

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All opinions expressed in this document are solely those of the author and do not necessarily reflect those of the Denver VA Medical Center, the Dept. of Veterans Affairs, or the U.S. Government.

**Subject:** Response to NRC Rulemaking Communications Improvements Notice FR 5/30/02, Vol. 67, No. 104 pages 37733- 37734

The NRC's practice of sending comprehensive guidance documents out with comment periods of 90 days is extremely poor imposing an unfair burden on licensee personnel that might wish to comment. Most if not all of the volumes in the NUREG-1556 series were published in draft for comment form with such a 90 day comment periods. Many of the documents were in excess of 300 pages. This is exacerbated by the fact that typical delivery times by US Postal Service were 20 to 30 days after the publication date, effectively reducing the time available to 60 to 70 days. It is totally unrealistic of the NRC to give such short comment periods if they really want stakeholder input.

An e-mail address for comments should always be included in any comment notice. While the reissued NUREG 1556, volume 9 did have an e-mail address, the initial August 1998 draft did not. The Federal Register notice of the request for comment that generated this response did not have an e-mail address for comments although it did have a web address. However that is, in my opinion, not satisfactory. Thoughtful commentators may wish to draft comments with word processing software, have the material reviewed by others, and spend time organizing and polishing it before sending it. Attaching such files to an e-mail message gives one additional time, especially since NRC mail is delayed by 4 weeks due to irradiation.

Information on the delay of USPS mail delivery to NRC headquarters was given at a workshop on Guidance for Medical Use Licensees. I have seen no mention of that delay published anywhere, indeed that delay was not mentioned in the Federal Register Notice Since comments are to be submitted by July first and the notice was published May 30, that effectively cut the comment period in half without giving that information to stakeholders interested in commenting. It would almost seem that NRC staff is interested in minimizing comments. One would think that if NRC was interested in improving stakeholder input they would prominently notify stakeholders of the mail delay to their headquarters and promote the use of e-mail and other means of electronic transmission such as facsimile transmissions. Facsimile phone numbers should also be routinely provided to facilitate transmission of comments to the NRC.

Referring to the specific questions published in the Federal Register:

Template = SECY-067

SECY-068

(1) The NRC should develop e-mail lists just as it has traditional mailing lists for licensees and interested parties and send out notices of rule making activities electronically. Licensees should be asked to voluntarily provide e-mail addresses and fax numbers and their preference for electronic communications. Some may prefer the use of fax over e-mail and e-mail with attached files. USPS mail notices could significantly increase NRC's communications costs.

(2) As indicated above e-mail should be encouraged by the NRC either by itself or using attached files to transmit comments to the NRC. An interactive web site may not be as inviting as one must play by its rules and may want to send comments that take more than one sitting to prepare. Many will not want to store half finished comments on someone else's server.

(3) This is a hard question to respond to as the NRC is describing a process it is intimately familiar with but many of us are not familiar with. It would be useful if the NRC published material on the stages of rule making. I would guess that it is best to have notice earlier rather than later, at least when a rule making plan has been approved. I think there is a real feeling that once a proposed rule has been published the chance of affecting changes by the stakeholders is minimal. Although not a rule, NUREG 1556, volume 9 is an example the Draft For Comment version issued in August of 1998 was little changed when issued in March of 2002. Almost all substantive changes were rejected by NRC staff even though many of them expressed well founded and considered objections.

(4) Public interaction should be encouraged, as a minimum by notice in the Federal Register and posting on the rule making website. Such postings should be announced via e-mail and fax depending on preferences expressed by interested parties on the electronic mailing lists. Public meetings are expensive for all concerned. No matter how many and where, many participants will have to travel to attend. Important comprehensive rule making and changes such as the recent revision of part 35 of course should have public meetings, but less comprehensive new rules or changes in existing rules may have to do without public meetings.

(5) See comments above. I am not sure how important I feel Public Meetings are. In some cases when input is ignored one gets the impression that they are simply politic for the NRC to use. After they have done what they wanted to do they can say, "We held numerous public meetings."

A. Meetings can be important if input is heeded and also as a tool for the NRC to educate and increase acceptance of new rules and changes. Unfortunately it appears as if the NRC has often focused on the education and acceptance portion and largely ignored input.

B. There should be at least some meetings early, possibly at the point where a rule making plan has been approved. Where the NRC can say, "We see a need for a rule to... because..." There are many professional and other organizations that given a perceived need for a rule can provide information and guidance on whether a rule is actually needed or on how one might formulate a rule to reach a specific end. Organizations such as the Health Physics Society, Society of Nuclear Medicine, the American Association of Physicists in Medicine.

(6) At least in the responses to comments on NUREG 1556, volume 9 there seemed to be an attitude that the NRC is always right. This in light of the fact that much of the regulatory requirements that were rescinded in the revised part 35 were reinstated as "guidance" in volume 9.

(7) Easier and more varied access to rulemaking information is always advantageous.

(8) Ask, The organizations listed in (5) B above and others can be sources of such information.

(9) This is an overly simplistic question. The complexity and length of the change or new or revised rule should govern the length of comment period. Changes such as the comprehensive revision of part

35 should have comment periods of 6 to 12 months. Seventy-five days may be more than adequate for changes of less than a page. The NRC should develop some guidelines to govern initial comment periods and be flexible if responsible parties and organizations request additional time. Also the NRC must make a sincere attempt to make the full comment period available to as many interested parties as possible. They should post changes on the web site and get hard copies in the mail as close to the publication date as practical. Typically Federal Register notices and such reach licensees 2 or 3 weeks or more after the publication dates.

Sincerely,

Peter G. Vernig

PS You should fix this so people can attach Word or other word processing files if you want to facilitate feedback.