



8

DOCKETED
USNRC

STATE OF WASHINGTON

DEPARTMENT OF HEALTH

'94 DEC 16 A2:25

DIVISION OF RADIATION PROTECTION

Airustrial Center, Bldg. 5 • P.O. Box 47827 • Olympia, Washington 98503-7827
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

December 7, 1994

DOCKET NUMBER
PETITION RULE PRM 150-3
(59 FR 50706)

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

To the Commission:

This is in response to a petition to rulemaking, Docket No. PRM-150-3. The petitioner requests that NRC require Agreement States to notify NRC of all proposed and completed regulatory actions and that NRC publish such notices of Agreement States rulemaking. The state of Washington opposes this petition.

The state of Washington has its own laws and administrative procedures concerning rulemaking. We have to follow those rules. While we have no particular concern over NRC being required to gather and publish information on Agreement State rulemaking, we cannot allow federal publication requirements to supersede our own or to inordinately delay our rulemaking process. We will certainly continue to provide information to NRC on our rulemaking process as we do now. We will, however, strenuously object if NRC proceeds with any form of rulemaking in response to this petition which would impact the character of our rulemaking or timeframes established in state law.

We suggest it would be most appropriate for this petition to be denied and the petitioner referred to the individual state programs. In our state, and probably most others, we maintain a mailing list for notifying interested parties when regulations are being considered. This allows the interested party an opportunity to participate in our rulemaking. This is an existing mechanism which should satisfy the petition's basic intent. Furthermore, since the rulemaking of concern to the petitioner is at the state level, the petitioner should develop a working relationship with the individual states. The cost

9412230070 941207
PDR PRM
150-3 PDR

DS10

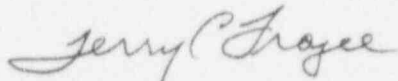


Page Two
Secretary
U.S. Nuclear Regulatory Commission

to the petitioner for producing a periodic form letter and postage is certainly small compared to the added bureaucracy if NRC has to develop a program to gather information from the Agreement States and publish it in the Federal Register. Since NRC is under cost recovery the petitioner will ultimately pay for this "service".

Thank you for the opportunity to comment.

Sincerely,



Terry C. Frazee, Supervisor
Radioactive Materials Section

TCF:amw

CC: Richard Bangart, Office of State Programs
Agreement States