

review and disposition of petitions. It is the primary concern of the NRC to ensure that design and operation of NRC licensed facilities are carried out in a manner which assures adequate protection of public health and safety, of the environment, and of national security. Therefore, petitions found by the NRC to raise a concern in this regard would receive immediate NRC attention. In assessing the safety significance of petitions consideration would be given to the technical information submitted and other information available to the NRC, and to whether the proposal is likely to meet the criteria of the backfit rule. Petitions that are safety neutral, i.e., implementation of which would result in an insignificant change to the level of protection to public health and safety, would be resolved in such a way as to minimize the cost to the NRC and maximize the benefit to the petitioner.

The more detailed supporting information in addition to that required in the current § 2.802(c) should include the suggested regulatory text, regulatory analysis, backfit analysis (if required), information required by the National Environmental Policy Act (NEPA), and a guidance document similar in nature to a Regulatory Guide, if needed, in support of a proposed rule, as described in paragraph (d)(2) of the proposed rule. The regulatory analysis is important for petitions seeking either to enhance safety or to reduce regulatory burden, because it would provide information on the changes to risk levels as well as costs associated with proposed alternatives.

The proposed changes would afford any petitioner two options: submit the minimal threshold information in the petition that is required by the current rule and be subject to the regular processing procedures, or submit more detailed supporting information and analyses in the petition in return for a more expeditious processing procedure by the NRC. The proposed revisions would not change any existing provision regarding petitions for rulemaking if they meet the minimum threshold requirement of the current § 2.802(c).

Subsequent to the establishment of review priority the NRC would develop a schedule for all petitions that are docketed. This schedule would reflect the priority of each petition based on consideration of the combination of safety significance and level of detail of supporting information. A summary of petitions for rulemaking, including the status of each petition, would be prepared semiannually by the NRC staff, as described in paragraph (h) of the

proposed rule. A copy of this report would be available for public review in the NRC Public Document Room.

Further, the NRC has decided to provide administrative procedures to make it easier for concerned parties to submit petitions for changes to regulatory guidance documents, such as regulatory guides, bulletins, generic letters and sections of the Standard Review Plan (SRP). These documents do not have the force and effect of a regulation, but they are used by the NRC staff to identify methods that would comply with the regulation. A formal procedure which enables interested parties to propose changes to such regulatory guidance documents does not now exist. The guidance for preparation of more detailed petitions for rulemaking as well as petitions requesting the revision of regulatory guidance documents will be provided in proposed Regulatory Guides 10.XX and 10.XY to be developed in the near future.

#### Specific Considerations

Advice and recommendations on the proposed revision to 10 CFR 2.802 and on any other points considered pertinent are invited from all interested persons. Comments and supporting reasons are particularly requested on the following questions:

1. Is the concept of the proposal sound, namely that all petitioners have the option to submit more detailed supporting information which, if found adequate, would lead to faster NRC disposition?

2. Is the description of information required for detailed supporting information in paragraph (d)(2) sufficiently complete to avoid unnecessary correspondence after the petition has been docketed?

3. Under what circumstances should a guidance document in the form of a Regulatory Guide be required to support a petition? What criteria are appropriate for not requiring it?

4. Should there be an NRC electronic bulletin board dealing exclusively with petitions?

5. As the NRC attempts to shift rulemaking approaches to be more performance-based and risk-based, what changes would be appropriate for the information requirements under the proposed revision of 10 CFR 2.802?

6. Should administrative procedures be established to allow petitions for changes to regulatory guidance documents, such as regulatory guides, bulletins, generic letters, and sections of the Standard Review Plan? Should these procedures be incorporated in a rule?

#### Environmental Impact: Categorical Exclusion

The proposed regulations involve an amendment to 10 CFR 2.802, and qualify as actions eligible for the categorical exclusion from environmental review in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for these proposed regulations.

#### Paperwork Reduction Act Statement

The proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

The public reporting burden for this collection of information is estimated to average an additional 500 hours for each PRM that contains additional supporting information and analyses. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0136), Office of Management and Budget, Washington, DC 20503.

#### Regulatory Analysis

The Administrative Procedure Act requires each Federal agency to give interested persons the right to petition for the issuance, amendment, or repeal of a rule. The proposed changes would facilitate more expeditious disposition by the NRC of petitions with sufficient supporting information, and would also improve the openness of the rulemaking process by delineating petition review priorities. This expended right, however, is available to any interested petitioner. The proposed rule does not affect any existing rights and gives expanded rights to licensees and interested persons. This proposed rule constitutes the preferred course of action and the cost involved in its promulgation and action is necessary and appropriate. The foregoing discussion constitutes the regulatory analysis for the proposed rule.

#### Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a