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### Implementation

The proposed Option B to Appendix J specifies that the rule will become effective 30 days after publication. At any time thereafter, a licensee or applicant would notify the NRC of its desire to perform containment leakage rate testing according to Option B. Accompanying this notification, a licensee would submit proposed technical specifications changes which would eliminate those technical specifications which implement the current rule and propose a new technical specification referencing the NRC regulatory guide or, if the licensee desires, an alternative implementation guidance. Implementation must await staff review and approval of the licensee's proposal. The staff anticipates that a generic communication will be issued which will provide the implementation procedure to all power reactor licensees.

### Solicitation of Comments for Future Revisions

As indicated earlier in this notice, the NRC plans a second phase of modifications to requirements for containment leakage rate testing to further adopt risk-based methods, and to broadly examine the type of performance-based rule needed to ensure the adequacy of the containment function. This will include increasing the allowable leakage rate based on risk considerations, further examination of the risk significance of various attributes of containment performance (structural and leaktight integrity of containment structures and components, and inadvertent bypass), and consideration of the potential of on-line monitoring of containment integrity to address certain attributes. In order to guide this future effort, the NRC has formulated the following questions and solicits public comments on them:

1. Should NRC pursue a fundamental modification of its regulations in this area by establishing an allowable leakage rate based on risk analysis (as presented in draft NUREG-1493, Chapter 5), as compared to the current

practice of using deterministic design basis accidents and dose guidelines contained in 10 CFR part 100; or should the NRC modify the allowable leakage rate within the current licensing basis by revising source terms and updating regulatory guides (R.G.s 1.3 and 1.4)<sup>6</sup> for calculating doses to the public? What are the advantages and disadvantages of the two approaches? What are some other considerations than risk to public, e.g. plant control room habitability, that might limit the allowable leakage rate?

2. If the allowable leakage rate is increased, could on-line monitoring of containment integrity replace other current containment tests? Could the results of the on-line monitoring be used to establish a new performance basis for containment integrity involving less stringent reporting requirements if there is high assurance there are no large leakage paths in containment (> 1 in. diameter).

3. Are there any other regulatory approaches and technical methods by which the NRC can adopt a complete performance and risk basis to its regulations for containment leaktight integrity? What are some of the attributes for performance, and what risk-based methods can be used to analyze these attributes?

### Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and therefore an environmental impact statement is not required. There will be no radiological environmental impact offsite, and the occupational exposure onsite is expected to decrease by about 0.8 person rem per year of plant operation for plant personnel if licensees adopt the performance-based testing scheme provided in the revised regulation. Alternatives to issuing this revision of the regulation were considered and found not acceptable. Single copies of the environmental assessment and finding of no significant impact can be obtained by submitting a written request to: Dr. Moni Dey, U.S.

<sup>6</sup>Copies may be purchased at current rates from the Superintendent of Documents, U. S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402-9328 (telephone 202 512-2249 or 202 512-2171); or from the National Technical Information Service by writing NTIS at Port Royal Road, Springfield, VA 22161.

Nuclear Regulatory Commission, Washington, DC 20555.

### Paperwork Reduction Act Statement

This 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 paperwork requirements.

Because the rule will relax existing information collection requirements by providing an option to the existing requirements, the public burden for this collection of information is expected to be reduced by as much as 4583 hours per year, including the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding the estimated burden reduction or any other aspect of this collection of information to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0011), Office of Management and Budget, Washington, DC 20503.

### Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection or copying for a fee in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC; the PDR's mailing address is Mail Stop LL-6, Washington, DC 20555; phone (202) 634-3273; fax (202) 634-3343.

The Commission requests public comment on the draft analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the ADDRESSES heading.

### 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 substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set