

October 22, 2003

Ms. Susan Hiatt
Director, OCRE
8275 Munson Road
Mentor, OH 44060-2406

Dear Ms. Hiatt:

This letter responds to the petition for rulemaking (PRM-9-2) that you submitted to the Nuclear Regulatory Commission (NRC) on behalf of the Ohio Citizens for Responsible Energy, Inc. (OCRE). The petition requested that the Commission amend 10 CFR Part 9, "Public Records," by adding a subpart addressing the public's right of access to information held by facility-licensees.

On June 13, 1994, NRC published a notice of receipt of the subject petition for rulemaking in the *Federal Register* (59 FR 30308) and requested comments from the public. We received 27 comment letters which we sent to you as well as an additional letter sent by OCRE in response to those comments. Although most respondents commented on the importance of public participation in the regulatory process and agree that public participation should be encouraged, these respondents disagree with OCRE's proposal as an effective means of accomplishing that objective.

NRC has considered OCRE's petition and the public comments received as well as OCRE's response to the public comments, and is denying the petition because the additional recordkeeping and reporting OCRE has proposed is not necessary to protect the public health and safety or to ensure effective public participation in NRC adjudicatory hearings on licensing actions, and is contrary to internally and externally-driven initiatives to reduce unnecessary recordkeeping and reporting requirements.

In particular, the Paperwork Reduction Act of 1995 requires federal agencies to assess their information collection requirements in order to identify those requirements where the burden can be reduced in scope or eliminated without affecting an agency's ability to fulfill its statutory mission. In making its determination on whether to eliminate any reporting requirements, NRC attempts to ensure that any deletions or modifications of regulatory requirements do not compromise its mission to protect the public health and safety. NRC also factors into its decision making process the views of the public, not only on the implications for public health and safety, but also on the specific value of the reporting requirements for the purpose of public information and participation in the regulatory process.

NRC agrees with you that public participation in the regulatory process enhances effective regulation and the NRC intends to continue to make available to the public, those licensing and regulatory documents that have a direct bearing on NRC's regulatory and licensing activities. However, for the reasons noted in the attached *Federal Register* notice, the Commission denies your petition.

Sincerely,

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Enclosure:
Federal Register Notice Denying the Petition

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Sincerely,

Annette L. Vietti-Cook
Secretary of the Commission

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