

**Regulatory Guide Number:** 10.12, Revision 0

**Title:** “Preparation of Petitions for Rulemaking under 10 CFR 2.802 and Preparation and Submission of Proposals for Regulatory Guidance Documents”

**Office/Division/Branch:** ADM/DAS/RADB  
**Technical Lead:** Jennifer Borges Roman

**SUBJECT:** Basis for Withdrawal

**(1) What regulation(s) did the Regulatory Guide support?**

Regulatory Guide 10.12 was published in December 1996 and provides guidance to individuals who are submitting a petition for rulemaking (PRM) under § 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Petition for rulemaking.” It also provides guidance for suggesting changes to existing regulatory guidance documents such as regulatory guides, bulletins, generic letters, and standard review plans.

**(2) What was the purpose of the Regulatory Guide?**

Section 2.802 provides basic procedures and requirements for submitting a PRM. Regulatory Guide 10.12 provides guidance to persons who submit a PRM to the NRC concerning the type and quantity of information that would allow the NRC to process the PRM in a more expeditious manner. The guide delineates factors the NRC uses in setting priorities for processing PRMs, and its intent is to make the rulemaking process more open to licensees and the public. Regulatory Guide 10.12 also provides guidance for suggesting changes to existing regulatory guidance documents such as regulatory guides, bulletins, generic letters, and standard review plans.

**(3) How was the Regulatory Guide used?**

Regulatory Guide 10.12 provides guidance for meeting the minimum requirements of § 2.802, as well as additional guidance describing the type of technical support documents that a PRM submission requires in order to expedite the processing of PRMs by the NRC. In addition, it provides guidance on suggesting changes to existing regulatory guidance documents such as regulatory guides, bulletins, generic letters, and standard review plans. It can be used by the public, licensees, other agencies, and the NRC staff.

**(4) Why the Regulatory Guide is no longer needed?**

The NRC staff believes that Regulatory Guide 10.12 is no longer the most appropriate platform for communicating this guidance to the public. The rule, combined with technological changes at the NRC (i.e., the increased use of e-mail, alerts, social media, and the internet), provide more useful avenues for helping the public to navigate the PRM process and provide comments on regulatory guidance.

The rule: (1) clarifies and codifies the NRC’s current policies and practices on the actions taken upon receipt of a PRM and at other stages of the PRM process; (2)

clarifies and improves the current policies and practices for evaluating PRMs; (3) updates the means for communicating with the petitioner and the public information on the status of NRC PRMs and rulemaking activities addressing PRMs; and (4) establishes an improved process for resolving PRMs, including an administrative process for closing the PRM docket to reflect agency action for the PRM. The amendments are intended to enhance the consistency, timeliness, and transparency of the NRC's actions and to increase the efficient use of the NRC's resources in the PRM process. As a result of this rulemaking, the guidance that exists in Regulatory Guide 10.12 is outdated. In addition, the NRC staff provided the public, licensees, and other stakeholders with additional informational tools to help navigate the PRM process expeditiously. These tools are made available in more user-friendly formats, such as the NRC's public Web site and a brochure, and provide the public stakeholders with additional information to help the public better understand the PRM process.

Regulatory Guide 10.12 also provides guidance about suggesting changes to regulatory guidance documents such as regulatory guides, bulletins, generic letters, and standard review plans. Regulatory Guide 10.12 is no longer needed because the public can comment on regulatory guides by visiting the "NRC Regulatory Guides" Web page (<http://www.nrc.gov/reading-rm/doc-collections/reg-guides/>) on the NRC's public Web site and clicking on the "Contact Us About Regulatory Guides" link at the bottom of the page. Additionally, boilerplate language is included in regulatory guides that direct the public to visit the "NRC Regulatory Guides" Web page to suggest changes to an existing regulatory guide. [Bulletins](#) address significant issues of great urgency and usually require action or response. Consequently, bulletins are usually not published in the *Federal Register* because the NRC is requesting information from affected licensees on an expedited basis to assess the adequacy and consistency of regulatory programs. All bulletins provide the public with technical contacts to whom any questions can be forwarded. [Generic Letters](#) transmit information to the nuclear industry and require an action or response. Generic letters are usually published in the *Federal Register* and the public is provided the opportunity to comment. All generic letters provide the public with technical contacts to whom any questions can be forwarded. Standard Review Plans (SRP) are intended for staff use in reviewing licensing actions and the NRC's public Web site (<http://www.nrc.gov/reading-rm/basic-ref/srp-review-standards.html#4>) provides the public with the opportunity to comment on draft SRPs, as well as many finalized SRPs.

While the rule clarifies the PRM process, the NRC staff recognizes that additional assistance may be necessary to help the NRC's public stakeholders navigate the PRM process and suggest changes to regulatory guidance documents such as regulatory guides, bulletins, generic letters, and standard review plans. However, the NRC staff believes that a regulatory guide is not the appropriate way to communicate this information to the public.

**(5) What guidance is available once the Regulatory Guide is removed?**

Section 2.802, as amended, provides guidance on the NRC's PRM process. Specifically, the rule text supersedes the guidance that exists in Regulatory Guide 10.12. Interested members of the public can refer to the rule text to better understand how to submit a PRM. However, the NRC staff recognizes that additional assistance may be necessary to help NRC public stakeholders navigate the PRM process and suggest changes to regulatory guidance documents. The NRC's public Web site provides guidance about submitting a PRM (<http://www.nrc.gov/about-nrc/regulatory/rulemaking/petition-rule.html>)

and is updated to include additional tools and up-to-date information about the PRM process. Similarly, the public Web already provides updated guidance, opportunities, and assistance to help the public comment on regulatory guidance.

**(6) Is the Regulatory Guide referenced in other documents and what are the “ripple effects” on these documents if it is withdrawn?**

Regulatory Guide 10.12 is referenced in the following documents:

- NUREG-1556, Vol. 12, Consolidated Guidance About Materials Licenses, Appendix A;
- Inspection Manual Chapter (IMC) 1246, Training Requirements and Qualification Journal for Materials License Reviewer, Appendix E1; and
- IMC 1246, Training Requirements and Qualification Journal for Materials Health Physics Inspector, Appendix E2.

In NUREG-1556, Vol. 12, this regulatory guide is referenced once in the appendix in a “List of Documents Considered in Development of this NUREG.” Consequently, it has no impact on the issues discussed in NUREG-1556. In IMC 1246, Appendix E1 and Appendix E2, this regulatory guide is referenced in listings of training documents necessary for License Reviewers and Inspector qualifications. In both cases the reference to Regulatory Guide 10.12 will have to be deleted, but the guidance in Regulatory Guide 10.12 is included in 10 CFR Part 2, which is already included in the training and qualifications listed in both appendices (E1 and E2). These documents may have to be revised to refer to the information discussed in question 4 above.

**(7) What is the basis for believing that no guidance similar to that in the Regulatory Guide will ever be needed?**

The guidance found in Regulatory Guide 10.12 will be needed; however, it is located in § 2.802, and it is made available using other user-friendly tools, such as the NRC’s public Web site, a brochure, and SharePoint. The guidance found in Regulatory Guide 10.12 is superseded by the regulations as well as information on the NRC’s public Web site. In addition, the NRC’s internal Web page and SharePoint provide guidance to NRC staff. A new SharePoint page was developed titled “The NRC Rulemaker” <http://fusion.nrc.gov/adm/team/DAS/RADB/resource/default.aspx>, which provides rulemaking guidance to NRC staff and is replacing NUREG/BR-0053, “United States Nuclear Regulatory Commission Regulations Handbook.” The Office of Nuclear Regulatory Research, Regulatory Guidance and Generic Issues Branch, maintains a SharePoint page providing guidance related to regulatory guides <http://fusion.nrc.gov/res/team/de/rqdb/default.aspx>.

**(8) Will generic guidance still be needed?**

Yes, guidance will still be needed. Guidance to the public is located in the regulatory language of 10 CFR 2.802, and in new and revised user-friendly tools, like the NRC’s public Web site. In addition, the NRC’s internal Web page and SharePoint provide guidance to NRC staff.

**(9) What is the rationale for withdrawing this Regulatory Guide instead of revising it?**

Section 2.802 has been updated and amended in a new rulemaking to include a majority of the information found in Regulatory Guide 10.12. Information available in Regulatory Guide 10.12, not specifically dealt with in the rule, is made available through other user-friendly tools, such as the NRC's public Web site. The NRC's public Web site is enhanced to provide updated guidance, including a process flow chart, for submitting a PRM and submitting proposals to change existing regulatory guidance documents. Consequently, Regulatory Guide 10.12 is superfluous.

**(10) Do other agencies rely upon the Regulatory Guide, e.g., the Agreement States, National Aeronautical and Space Administration, Department of Energy?**

Other agencies may rely upon Regulatory Guide 10.12 when submitting a PRM to the NRC. However, the guidance in Regulatory Guide 10.12 is being made more accessible to the public, licensees, and other agencies by updating and amending 10 CFR 2.802 to include this information. In addition, the NRC's public Web site provides detailed information about submitting a PRM and suggesting changes to draft guidance documents.