

Many of the kinds of changes are adequately represented by the proposed changes to sections of Part 30.

(1) The changes to § 30.6, “Communications,” are examples of the most important kind of amendment in this rule. Section 30.6 and its analogues in other parts of the NRC’s regulations have typically said that communications are to be mailed or delivered by hand to the agency or one of its regional offices. The amended section makes clear that the current list of options is not exhaustive, and that electronic communications are permitted where “practicable.” The amendment refers readers to guidance for answers to questions about what is practicable and how electronic submissions are to be made. The NRC has developed a guidance document that provides specific information concerning electronic submissions. This guidance document appears as an appendix to this final rule. Please note that the guidance document will not be codified in the Code of Federal Regulations.

A variation on § 30.6 requires that paper submissions be on a “page-replacement” basis or that an envelope be marked a certain way. See, for example, § 72.70(c) and § 9.67. We have also amended these regulations to make clear that an electronic option is available on a full-replacement basis.

The amendment of § 30.6 illustrates a general principle we have followed throughout the amendments, namely, that the amended regulations should contain no less information than the previous regulations. We had considered saving time and reducing printed regulatory text by leaving existing communications regulations unchanged and simply adding to Chapter I of Title 10 of the Code of Federal Regulations a single new regulation on communications, applicable to communications under every part of the NRC’s regulations. This regulation would have said that, with certain exceptions, the electronic option was available, notwithstanding what any other NRC communications regulation said. However, regulations on communications then would have contradicted each other, and readers of one of the other parts could have been misled by the part they were reading into thinking that communications had to be by mail or delivery in person. Thus, to avoid inconsistencies and to ensure that the new regulations contain as much information as the old ones, we have revised any section that, because it mentioned only one or two options for communications, implied that the electronic option was ruled out. Thus,

we have amended § 30.6 in several places.

(2) The amendments to § 30.50(c), “Reporting requirements,” and § 30.55(c), “Tritium reports,” are instances of a second major class of amendment in this final rule. The sections amended by this class typically required two or three kinds of notification to the NRC—a more or less immediate notification by phone or sometimes telefax or telegram of an incident, a pending shipment, or other time-sensitive matter; then a followup report several hours later, again by phone, telefax, or telegram; and finally, several days later, a written report to the appropriate office director. Section 30.50 requires all three kinds of reports. Generally speaking, we have not added an electronic option for the first two kinds of reports, the short-term ones, because the aims of these required reports are best served by consistently stable, rapid, and fully interactive means of communications. Electronic Information Exchange communications may not yet consistently meet these needs. E-mail delivery times, for example, can still be measured in days sometimes, and even “instant messaging” does not always permit the same facility of information exchange and discussion that the telephone permits. Thus, we have concluded that, at the present time, electronic communication of short-term reports is not yet “practicable.” We will revisit these requirements as the technology advances. Nonetheless, the amendments in this final rule add the electronic option for communicating written followup reports required by §§ 30.50 and 30.55 and their analogues.

(3) The amendment to § 30.7(e)(3) is an example of a third class of amendment that is less important than the two that have already been discussed. Several regulations require that a licensee or applicant acquire a copy of an NRC form, either for posting at the licensee’s facility (as in the case of § 30.7), for filling out and sending to the NRC to apply for a license, or to meet a reporting requirement. These regulations typically say that the form may be acquired by writing to a certain address or by calling a certain number. The amendments to these sections add that the forms may be acquired by visiting the NRC’s Web site.

In addition, throughout the regulations we have also eliminated requirements for multiple copies of submissions. For example, § 51.66 previously required submittal of 25 copies of the environmental report and retention of an additional 125 copies for later distribution. The submittal requirement is now being reduced to a

single copy, and instead of being required to retain copies, an applicant will be required to maintain the capability to generate additional copies as directed.

This final rule text also makes a number of minor changes to reflect other final rules that the NRC has issued since the proposed rule on electronic submissions was issued. The text also contains a number of administrative changes, such as changes in phone numbers and street and e-mail addresses.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is not adopting any technical standard. It is simply helping to ensure, through a rulemaking, that the agency will be in timely compliance with the requirement in the Government Paperwork Elimination Act, Pub. L. 105–277, that Federal agencies allow electronic submissions of information where practicable. Thus, no showing of compliance with the NTTAA is necessary here.

VI. Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2), because this action seeks nonpolicy, procedural changes to the NRC’s regulations. Moreover, because of the broad nature of this action and the number of the NRC’s regulations affected, several other categorical exclusions apply to this rule, including 10 CFR 51.22(c)(1) and (3)(i)–(iii). Also, 10 CFR 51.22(c)(16) applies to the guidance being issued in connection with this rule and to the rule itself. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for these changes to the regulations. Because of its procedural nature, this action does not raise environmental justice concerns.

VII. Paperwork Reduction Act Statement

The Office of Management and Budget (OMB) has determined that, because this final rule provides the option of collecting information by use of electronic means but does not amend the existing information collections to