



# BACKGROUND

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## Petition for Rulemaking Process

### Background

The NRC and other federal agencies set regulations, or rules, that implement laws passed by Congress. Federal law allows people, companies, states, local governments and federally recognized Tribes to ask agencies to adopt, revise or withdraw existing regulations. The NRC's regulations on this "petition for rulemaking" process are in Subpart H of [Title 10 of the Code of Federal Regulations \(CFR\) Part 2](#).

### What the NRC does with a petition for rulemaking

The NRC's process for handling petitions for rulemaking starts with a staff review to see if the petition meets the filing requirements in 10 CFR [2.802](#). The staff will "docket" acceptable petitions, placing the petition and all related documents in an electronic file for the public to read. Then the staff follows the process in 10 CFR [2.803](#) to evaluate the issues raised by the petition.

For petitions not meeting the requirements, a staff letter to the petitioner explains what information is missing. The petitioner can amend and resubmit the petition. A revised petition that meets the requirements is docketed.

The NRC notifies the public when it docketed a petition by publishing a notice in the *Federal Register*. When the staff needs additional information to evaluate the petition, the notice explains how the public can provide comments to the NRC. If the staff does not need additional information, the notice does not ask for comments. The notice also explains how the public can stay informed when the NRC acts on the petition.

The staff evaluates the issues raised by the petitioner and, if needed, any public comments. The NRC may grant the petition, writing a new rule or revising existing regulations to address the issues. It may deny the petition and take no further regulatory action. Or the agency may resolve the issues in a different way than the petition requests. In this case, the petition is partially granted and partially denied.

The NRC considers a petition completely resolved only when it has addressed all portions of the petition. One way the NRC keeps the public informed is by publishing a *Federal Register* notice whenever NRC acts on a petition. For example, a final rule resolving a petition is published in the *Federal Register*, with a notice explaining how the rule addresses the issues that were raised. If the NRC partially grants and partially denies a petition, the notice on the final rule explains how the issues are addressed and why the NRC chose a different approach. If the NRC denies a petition, the notice states the grounds for the denial. There is a *Federal Register* notice any time a petition is withdrawn.

The NRC also maintains a list of open petition-for-rulemaking dockets on its [website](#). Anyone can access the dockets from the site or subscribe to page updates. The NRC's planned and ongoing rulemakings, including actions on petitions, can be found in the government-wide [regulatory agenda](#).

### **For further information**

More information on the petition for rulemaking process is available on the [NRC website](#). Anyone needing help with the process may [contact the NRC](#). The NRC staff can describe the process for filing, docketing, tracking, closing, amending, withdrawing and resolving petitions for rulemaking. The staff also can provide status information.

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