

March 6, 2003

Mr. Charles S. Gresser, P.E.
Giles Engineering Associates, Inc.
N8 W22350 Johnson Drive, Suite A-1
Waukesha, WI 53186

Dear Mr. Gresser,

This is in response to your October 30, 2002 e-mail to Mr. Paul Goldberg regarding the possibility of the "U.S. Nuclear Regulatory Commission (NRC) looking into a National license for portable gauges that would be valid in all States and territories" and the names of contacts within NRC to work with you on your request.

As you know, NRC has relinquished, with State agreement, its regulatory authority over certain radioactive materials in some States under the authority of the Atomic Energy Act. Under the Agreement State program, States have flexibility to set fee structures, reciprocity, licensing and other requirements for the use of radioactive materials within their jurisdiction and State's requirements may vary from NRC's and from State-to-State. Therefore, the information provided here applies only to petitioning the NRC to consider your suggestion.

Before filing a petition for rulemaking, you may consult with the NRC by writing to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or by calling the Rules and Directives Branch at 301-415-7163 or 800-368-5642, extension 7163.

The NRC is permitted to describe the procedure and process for filing and responding to a petition for rulemaking; to explain an existing NRC regulation and the basis for the regulation; and to assist you to clarify a potential petition so that the Commission is able to understand the nature of the issues of concern to you.

Your petition must, as a minimum, set forth a general solution to the problem or present the substance or text of any proposed regulation, or amendment, or specify the regulation that is to be revoked or amended. It should clearly and concisely state your grounds for, and interest in, the action requested and include a supporting statement for the petition setting forth the specific issues involved and your views, or arguments, with respect to those issues. It should include relevant technical, scientific, or other data that is reasonably available to you in addition to any other pertinent information supporting the action sought.

The detailed requirements for submitting a petition are found in NRC's regulations at 10 CFR 2.802.

Your petition should be submitted to:

Secretary
ATTN: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001
E-mail: secy@nrc.gov - Fax: 301-415-1101

Upon receipt, NRC will place your petition on the rulemaking docket and submit a notice of receipt for publication in the Federal Register for a 75-day public comment period. The NRC staff will evaluate the petition and any comments received and may either grant, or deny, the petition, or in some instances may partially grant and partially deny the petition. If a decision is made to grant the petition, the NRC will publish a proposed rule that would amend 10 CFR Chapter I to address the concern included in the petition. This action would be followed by the publication of a final rule and the supplementary information portion which specifically addresses the petition and notes that it is being granted.

If a petition is denied, NRC publishes a notice of denial in the Federal Register. This notice of denial will address any public comments received and the NRC's reason for denying the petition. During the entire time your petition is being processed by the NRC, you will be kept fully informed of the status of the petition. NRC will send you copies of public comments we receive and a copy of any proposed, or final rule, addressing the petition, or a notice of denial.

This information may also be found at NRC's Website:

<http://www.nrc.gov/what-we-do/regulatory/rulemaking/petition-rule.html>

NRC's process calls for the early involvement of the Agreement States in proposed rulemakings. We are suggesting the process outlined above be used as it appears to be the most efficient way to bring your petition before the States. We do not have an opinion as to how the Agreement States may respond to your proposal, however, the process will assure their awareness and consideration of their comments.

Please contact Mr. James Myers at (301) 415-2328 or Email: JHM@NRC.GOV if you have any questions.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

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Sincerely,

Paul H. Lohaus, Director
Office of State and Tribal Programs

Distribution:

DIR RF (2-253)

DCD (SP02) PDR (YES)

RVirgilio

PGoldberg

Response to Incoming Document: ML030650643

*See previous concurrence

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML031260797.wpd

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