

January 15, 2013

Ms. Penelope Randall
7051 Eton Avenue
Canoga Park, CA 91303

Dear Ms. Randall:

I am writing to inform you that your amended request for rulemaking (U.S. Nuclear Regulatory Commission's (NRC) Agencywide Documents Access and Management System (ADAMS) Accession No. ML12270A318), submitted on August 15, 2012, fails to meet the minimum requirements for docketing as a petition for rulemaking under § 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR).

In earlier correspondence (ADAMS Accession No. ML121280451), dated March 26, 2012, you requested that the NRC amend its regulations to require upgraded and new technology in radionuclide monitoring instrumentation in nuclear power plants. My letter (ADAMS Accession No. ML121280539) dated June 22, 2012, informed you that the original petition did not meet the requirement, stated in 10 CFR 2.802(c), that a petition for rulemaking "[s]et forth a general solution to the problem or the substance or text of any proposed regulation or amendment, or specify the regulation which is to be revoked or amended." I invited you to submit additional information that: (1) identified the section or sections of 10 CFR Part 50 which you believe are in need of amendment and (2) indicated how the regulations should be changed in order to address your request to require upgraded and new technology in radionuclide monitoring instrumentation in nuclear power plants.

The NRC staff has reviewed your amended submission of August 15, 2012, and has determined that neither the letter nor the attached supporting material addresses the defects that the NRC staff identified in the original petition. The amended request does not identify a specific regulatory deficiency in the current 10 CFR Part 20 and 50 requirements and does not address issues in complying with the current regulations. Moreover, your request does not point to specific problematic sections of the regulations, or provide supplemental documentation to support your claims. As such, your petition, as amended, is not eligible for docketing as a petition for rulemaking under 10 CFR 2.802.

Your amended petition for rulemaking, like the original petition submitted on March 26, 2012, is insufficient because it does not include a proposed amendment to current regulations, but rather proposes a revision to certain regulatory guides. The petition for rulemaking process in 10 CFR 2.802 applies only to requests for new or amended regulations (i.e., those requirements which are codified in 10 CFR). Regulatory guides are not regulations. Rather, they provide guidance to licensees, applicants, and stakeholders on one acceptable approach to meet an NRC regulation: (1) implementing specific parts of the NRC's regulations; (2) techniques used by the NRC staff in evaluating specific problems or postulated accidents; (3) data needed by the

staff in its review of applications for permits or licenses; and/or (4) the preferred standard format and content for information submitted for NRC approval of a specific program, license, permit, or certificate.

The NRC has a separate process for obtaining public comment on existing Regulatory Guides. To submit such comments, please access the NRC's public Web site at <http://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>, where you will find a page for submission of questions or comments on current Regulatory Guides. Currently the staff is using a 5-year cycle from the date of the last revision of each guide to determine if there is a need for an update. If you choose to resubmit your comments using the regulatory guide comment process, staff will consider your comments when it evaluates the Regulatory Guides referenced in your petition.

As provided under 10 CFR 2.802(f), your petition is being returned as insufficient for docketing. This action does not prejudice your right to file a new petition at any time. If you believe it would be helpful in redrafting your petition, you may request to consult with NRC staff to seek clarification or explanation of the reasons for the determination that your petition did not meet the sufficiency requirements for rulemaking petitions.

Please note that while the NRC staff may, consistent with 10 CFR 2.802(b), discuss the deficiencies in your petition, the staff may not assist you in redrafting your petition for rulemaking. Any questions about this matter may be directed to Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, by phone (301) 492-3667 or by e-mail at Cindy.Bladey@nrc.gov.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations