

From: [Noto, Pamela](#)
To: [magnuson28@msn.com](#)
Cc: [Bladey, Cindy](#); [Meighan, Sean](#); [Wang, Weidong](#); [Burkhart, Larry](#); [Blumberg, Mark](#); [Petti, Dave](#); [Dickson, Elijah](#); [Vasavada, Shilp](#); [Jones, Steve](#); [Parillo, John](#); [Chang, Helen](#); [Foli, Adakou](#); [Berrios, Ilka](#); [Firth, James](#); [Burnell, Scott](#); [Shepherd, Jill](#); [Karen Gray](#); [Jack Kolar](#); [Stephani Avers](#); [Thad Guyer](#); [Frank Newell](#)
Subject: PRM-50-121 Status Inquiry; RE: ACRS Subcommittee Meeting - Regulatory Guide 1.183 (DG-1389) "Alternative Radiological Source Terms for Evaluating Design Basis Accident at Nuclear Power Reactors" - Inquiries
Date: Tuesday, May 10, 2022 5:37:33 PM
Attachments: [image001.png](#)
[image002.png](#)

Good Afternoon Mr. Magnuson,

I am responding to your questions and comments regarding the NRC's petition for rulemaking process and the status of your petition for rulemaking "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors" (PRM-50-122; NRC-2020-0150).

- Q: Does the "Commission" refer to the NRC Commissioners?
A: Yes, "the Commission" refers to the NRC Commissioners in the noted phrases. The NRC regulations at [10 CFR 2.802\(a\)](#) on filing a petition for rulemaking state that "any person may petition the Commission to issue, amend, or rescind any regulations in 10 CFR chapter I." Rulemaking authority for the NRC is vested in the Commission by the Atomic Energy Act of 1954, as amended (see the *United States Code* at [42 U.S.C. 2201](#)). For brevity, the diagram entitled, "The Petition for Rulemaking Process," focuses on rulemaking actions. The diagram is available on the NRC's public website at <http://www.nrc.gov/about-nrc/regulatory/rulemaking.html> (ADAMS Accession No. [ML14259A474](#)).
- Q: Considering this Problem Description and that it has been two years (May 31, 2020) since I submitted my 10 CFR 2.803 Petition for Rulemaking (PRM-50-122), when should I expect a letter, notifying me of the determination and docket closure (Block #2 (2.803(h)))?
A: The timeline for resolving a petition for rulemaking largely depends on the nature and complexity of the request. Generally, it takes 1-2 years for the NRC to resolve a legal/technical petition; this estimate is subject to resource availability and other agency priorities. After the close of the comment period, the NRC reviews the technical merits of the petition and the public comments. This step of the petition resolution process can take approximately 6 months or more. Then, the staff drafts a recommendation for review by an internal board and then prepares a formal recommendation to the Commission for approval. This step can take roughly 8-18 months, plus additional time for the Commission to issue a decision. You will be notified when the NRC intends to publish a notice in the *Federal Register* describing the determination and docket closure (see [10 CFR 2.803](#)). Meanwhile, we will continue to provide you with periodic, written status updates.
- Q: Also, if the issues I raised are considered in rulemaking ("Consideration" or "Partial Consideration"), when should I expected the petition to be resolved (Block #3 (2.803(i)))?
A: A proposed rule can take roughly 18 months or more, and the subsequent final rule also can take roughly 18 months or more, depending on several factors. These factors include whether the rulemaking activity supports the NRC mission and the Principles of Good Regulation, available agency resources, whether public comments are requested, etc. The NRC's public website has information on The Rulemaking Process,

<https://www.nrc.gov/about-nrc/regulatory/rulemaking/rulemaking-process.html>, and NRC Rules and Petitions, <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>, including how the NRC prioritizes rulemaking.

- Are the NRC's ongoing efforts to revise RG 1.183--that began in 2009--delaying the processing of my petition that was submitted in 2020?

A: The NRC regulations at [10 CFR 2.803\(h\)\(iv\)](#) note that the NRC's determination may be based upon whether the problems or issues are already under consideration by the NRC in other NRC processes. Although the petition for rulemaking process considers other ongoing activity, the process itself is separate from the ongoing revision of Regulatory Guide (RG) 1.183. For example, the Commission may determine that rulemaking will be required to address the issues raised in your petition. Alternatively, the Commission may deny your petition on the grounds that the issues raised in the petition may be address in another process, i.e., the RG revision process.

Please also consider signing up for email alerts through [Regulations.gov](https://www.regulations.gov) (click on "Subscribe") to be notified when your petition docket is updated (PRM-50-122; NRC-2020-0150). Contact Cindy Bladey (Cindy.Bladey@nrc.gov, 301-415-3280) or me if you have additional questions about the NRC's petition for rulemaking process.

Regards,
Pamela Noto (acting for Cindy Bladey)

Pamela Noto
Cost Analyst
NMSS/REFS
301-415-6795

