



OFFICE OF THE
SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 3, 2021

Mr. George Berka
57 Concord Street
Waterbury, CT 06710

Dear Mr. Berka:

I am responding to your petition for rulemaking (PRM) dated December 26, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19050A507). You requested that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," to "allow the owner and/or operator of a nuclear power plant a fair, reasonable, and unobstructed opportunity to return a retired facility to full operational status, even if the operating license for the facility had previously been surrendered."

The NRC docketed the petition as PRM-50-117 on February 19, 2019. The NRC published a notice of docketing and request for public comment in the *Federal Register* on July 26, 2019 (84 FR 36036). The comment period closed October 9, 2019. The public comment submissions are available at <https://www.regulations.gov> under Docket ID NRC-2019-0063.

The NRC held a public meeting on February 25, 2020, on potential regulatory frameworks for power reactors, which included a discussion of PRM-50-117. A summary of this public meeting is available under ADAMS Accession No. ML20072H288, and a transcript of this public meeting is available under ADAMS Accession No. ML20072H393.

The NRC is denying PRM-50-117 because it does not raise a significant safety or security concern and the existing regulatory framework may be used to address the issue raised in the petition. In addition, power reactor licensees have not expressed a strong interest in returning retired plants to operational status and proceeding with rulemaking to develop a new regulatory framework that may not be used is not a prudent use of resources. The enclosed notice, which will be published in the *Federal Register*, further explains the reasons for the denial. Upon publication of the enclosed notice, the NRC will close the docket for PRM-50-117.

You may direct any questions in regard to this matter to Nicole Fields by calling 630-829-9570 or by sending an e-mail to Nicole.Fields@nrc.gov.

Sincerely,

Annette L. Vietti-Cook

Enclosure:
Federal Register notice