

Thomas McKenna
Auhofstrasse 28
3423 St. Andrae Woerden
AUSTRIA

Dear Thomas McKenna:

I am responding to your petition for rulemaking (PRM) submitted to the U.S. Nuclear Regulatory Commission (NRC) on June 1, 2020 (Agencywide Documents Access and Management System Accession No. ML20176A313). The petition requested that the NRC amend its regulations in Section 50.47 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Emergency plans," and Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to Part 50, "Domestic Licensing of Production and Utilization Facilities," to ensure protective actions do more good than harm. The NRC docketed the PRM on June 24, 2020, under Docket Number PRM-50-123.

The NRC published a notice of docketing and request for comment in the *Federal Register* on August 31, 2020 (85 FR 53690). The comment period closed on November 16, 2020, and the NRC received 14 public comments on the petition from 5 different entities. Of these entities, two generally supported the petition, and two generally opposed the petition; one entity provided one comment that was outside the scope of the petition and did not express support or opposition.

The NRC has reviewed your petition and the public comments. For the reasons provided in the enclosed notice, the NRC will evaluate its current requirements and guidance, ~~within the rulemaking process~~, for protective actions implemented during a general emergency at nuclear power plants, assess the requirements against the assertions raised in the petition, and determine the proper regulatory action to resolve any issues.

Public comment submissions and supporting materials related to this petition can be found at <https://www.regulations.gov> by searching on Docket ID NRC-2020-0155. The public may monitor the docket for the rulemaking on the Federal rulemaking website, <https://www.regulations.gov>, by searching on [Docket ID NRC-202X-XXXX]. The NRC also tracks the status of all PRMs on its Web sites at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/petitions-by-year.html> and <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html>.

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T. McKenna

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| Upon publication of the enclosed notice, the NRC will close the docket for PRM-50-123. -You may direct any questions regarding this matter to Stacy Joseph by calling 301-415-3256 or by e-mailing Stacy.Joseph@nrc.gov.

Sincerely,

Carrie M. Safford
Secretary of the Commission

Enclosure:
Federal Register Notice