



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

June 19, 2015

Mr. George Berka
305 W. 6th St.
Wilmington, DE 19801

Dear Mr. Berka:

By letter dated March 27, 2015,¹ I notified you that your January 28, 2015,² correspondence requesting that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations did not meet the Commission's criteria under § 2.802(c) of Title 10 of the *Code of Federal Regulations* (10 CFR) for a petition for rulemaking (PRM). You requested that the NRC allow "any nuclear power plant, which has shut down within the past (7) years, and was operational at the time of shut-down, be permitted to simply restart 'as-is' without having to be upgraded to the latest standards, as is currently required." By correspondence dated April 7, 2015,³ you provided supplemental information to your January 28, 2015, correspondence.

We have carefully reviewed all of your correspondence from January 2015 through April 2015 and have determined that your submissions do not meet the Commission's criteria under § 2.802(c) for a petition for rulemaking.

Section 2.802(c)(1) provides that a petition for rulemaking must "[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..." In your supplemental correspondence dated April 7, 2015, you request that the NRC amend its regulations in § 52.110(b) and provide licensees with the option to:

- (a) Reassemble the plant into an operational condition, have the NRC conduct a general inspection of the plant, re-load nuclear fuel into the reactor, and resume normal operation of the facility per 10 CFR [Part] 52, or
- (b) Request that the facility be placed in a "cold stand-by mode" for up to ten (10) years. From this mode, the facility may be reassembled, re-fueled, and re-started by the licensee at any time, and normal operation per 10 CFR [Part] 52 may resume, as specified in section (a) above. Extensions to the "cold stand-by mode" beyond (10) years would have to be requested in writing from the NRC by the licensee.

However, your request remains unacceptable for docketing for three reasons. First, your submission does not explain what technical (safety) or regulatory problem your proposed amendment would address, as required by § 2.802(c)(1). If your proposal is intended to provide

¹ NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML15042A336.

² ADAMS Accession No. ML15041A414.

³ ADAMS Accession No. ML15142A724.

additional flexibility to nuclear power plant licensees as an alternative to decommissioning, your request does not explain why this flexibility is not already afforded to licensees by the NRC's existing regulatory requirements.

Second, your request does not meet the requirement in § 2.802(c)(3) for a description of "the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific, or other data involved, which is reasonably available to the petitioner, and other such pertinent information the petitioner deems necessary to support the action sought." Your request provides a few basic calculations comparing the cost and time frame for restarting a nuclear power plant after shut down to the cost and time frame for replacing a similar electrical generating capacity with renewables or a new nuclear power plant. However, your request does not explain why the NRC's current regulatory requirements must, by their nature, impose these asserted costs on licensees.

Third, § 2.802(c)(2) provides that a petition for rulemaking must "[s]tate clearly and concisely the petitioner's grounds for and interest in the action requested." In your request, you express some high-level concerns about climate change, but you do not provide specific information on your particular interest in allowing a decommissioned nuclear power plant to restart.

For these reasons, your request will not be docketed as a petition for rulemaking. If you have any questions, please contact Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, by phone at 1-800-368-5642, or by e-mail at Cindy.Bladey@nrc.gov.

Sincerely,

/RA Michael Weber for/

Mark A. Satorius
Executive Director
for Operations

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*concurrence by e-mail

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