

July 3, 2008

Ms. Hanht Nguyen
951 Lincoln Lane, #1104
Dearborn, MI 48126

Dear Ms. Nguyen:

In your email dated April 23, 2008, you requested that the U.S. Nuclear Regulatory Commission (NRC) amend the regulations that govern emergency planning for nuclear power facilities. Specifically, you requested that residential builders be required to inform potential homebuyers that new residences being constructed are within the 10-mile emergency planning zone (EPZ) of a commercial nuclear power plant.

The NRC staff has determined that your request does not meet the requirements for a petition for rulemaking. You can access guidance for preparing a petition for rulemaking on the NRC website at <http://www.nrc.gov/about-nrc/regulatory/rulemaking/petition-rule.html>.

Please note that the NRC's emergency preparedness regulations are located in Section 50.47 of Title 10 of the *Code of Federal Regulations*, (10 CFR) and in Appendix E to 10 CFR, Part 50. As indicated in your email, NRC regulations do not require residential builders to disclose to potential homebuyers that a house is located within the EPZ of a nuclear power facility. The NRC does not have direct regulatory authority over entities conducting activities with no nexus to the public's radiological health and safety or common defense and security, such as residential home builders or sellers. Therefore, the NRC may not address your requested action in its regulations.

Thank you for your interest in this matter.

Sincerely,

/RA/ Bruce S. Mallett Acting for

R. W. Borchardt
Executive Director
for Operations

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