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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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DOCKET NUMBER
PETITION RULE PRM 50-78
(61FR 66347)

January 14, 2003

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Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: Rulemakings and Adjudications Staff

SUBJECT: NEI Comments on Supplemental Petition for Rulemaking,
PRM-50-78 (*Federal Register* of October 31, 2002, 67 FR 66347)

PROJECT NUMBER: 689

The NRC has published a notice of receipt and requested public comments on a petition filed by Mr. Robert H. Leyse (PRM-50-78). The Nuclear Energy Institute¹ offers the following comments regarding the petition.

The petitioner requests that the NRC amend regulations to address the impact of fouling on the performance of heat transfer surfaces throughout licensed nuclear power plants. The petitioner asserts that NRC regulations must require reporting of the performance of significant heat transfer surfaces including records of degradation, cleaning procedures, and effectiveness, and must address mechanical degradation of heat transfer assemblies, especially in fuel assemblies.

We believe that current reporting requirements contained in 10 CFR Part 50.72 and 50.73 adequately address the concern of the petitioner in that they require reporting of any event or condition that could prevent the fulfillment of a safety function for systems that are needed to: shut down the reactor and maintain it in a safe shutdown condition; remove residual heat; control the release of radioactive material; or mitigate the consequences of an accident. Expansion of reporting requirements to include events or conditions that result from normal and expected wear or degradation or conditions that are determined to have no significant safety

¹NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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impact is unwarranted and would impose a substantial reporting burden on licensees with no attendant safety benefit.

Current reporting requirements and associated guidance provide adequate assurance of safe operation. The revisions to reporting requirements proposed by the petitioner are not needed.

We appreciate the opportunity to comment on the petition for rulemaking. Please contact John Butler 202-739-8108, jcb@nei.org, or me if you desire further information.

Sincerely,

A handwritten signature in cursive script that reads "Alex Marion".

Alex Marion

JCB/avw