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DOCKET NUMBER

PETITION RULE PRM 50-78  
(67FR 66347)

Ref: PRM-50-78

STARS-03002

January 17, 2003

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USNRC

Secretary of the Commission  
Attention: Rulemakings and Adjudications Staff  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

January 23, 2003 (12:19PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
COMMENTS ON ROBERT H. LEYSE PETITION FOR RULEMAKING  
REGARDING THE IMPACT OF FOULING  
ON THE PERFORMANCE OF HEAT TRANSFER SURFACES  
THROUGHOUT LICENSED NUCLEAR POWER PLANTS  
(67 FR 66347)**

Docket Number: PRM-50-78

Gentlemen:

This letter presents comments from the Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> nuclear power plants on the subject petition for rulemaking filed with the U. S. Nuclear Regulatory Commission (NRC) by Robert H. Leyse. The subject petition for rulemaking was docketed on October 31, 2002, per the above referenced Federal Register number.

The petitioner is requesting that the NRC regulations that govern domestic licensing of production and utilization facilities be amended to address the impact of fouling on the performance of all significant heat transfer surfaces in all licensed nuclear power plants. The petitioner believes that the fouling of heat transfer surfaces is not adequately considered in the licensing and compliance inspections, testing programs, and computer codes for nuclear power facilities.

<sup>1</sup> STARS is an alliance of six plants (eleven nuclear units) operated by TXU Energy, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

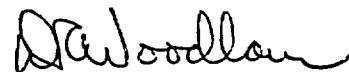
The STARS nuclear power plants do not support the subject petition. The concern raised by this petition has been previously addressed by industry organizations in the other active petitions submitted by Mr. Leyse (i.e.: PRM-50-73, PRM-50-73A, and PRM-50-76). This latest petition (PRM-50-78) restates the same concern in a different context, without presenting any further evidence to provide a basis warranting revision of the regulations. The STARS plants believe the additional regulatory burden placed upon the NRC and licensees, due to the increased reporting requirements desired by the petitioner, are not justified by the unproven and questionable scenarios presented within the petition.

The STARS plants do not believe sufficient evidence has been submitted in the petition to substantiate the conclusion reached by the petitioner that *"the increased attention to detail in plant design, analysis, and operations that will be effected by the amended regulations will enhance operating effectiveness and safety, discourage incomplete and misleading reporting to regulatory authorities, and reduce opportunities for sabotage by insiders."*

The STARS plants further believe that the petitioner's second conclusion that *"the increased reporting requirements with respect to fouling of heat transfer surfaces at nuclear power facilities will provide improved information to professional risk analysts who advise financial management organizations, to individual investors, and to State agencies that oversee the sale and acquisition of nuclear power plants by utility holding companies that operate within their jurisdiction"* does not provide a valid basis for changes to the regulations.

The STARS plants appreciate the opportunity to comment on the petition for rulemaking. If there are any questions regarding these comments, please contact me at 254-897-6887 or [dwoodla1@txu.com](mailto:dwoodla1@txu.com).

Sincerely,



D. R. Woodlan, Chairman  
Integrated Regulatory Affairs Group  
STARS