

September 21, 2004

The Honorable Ralph M. Hall, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representative  
Washington, DC 20515

Dear Mr. Chairman:

The Nuclear Regulatory Commission (NRC) has forwarded to the Office of the Federal Register the enclosed *Federal Register* notice denying a petition for rulemaking (PRM). The petition, PRM-50-78, requested that the NRC amend its regulations in 10 CFR Part 50 and associated guidance to address the impact of fouling on the performance of all safety-related heat exchange surfaces in nuclear power plants (NPPs). The petition also stated that fouling of heat transfer surfaces is not adequately considered in licensing and compliance inspections, testing programs, and computer codes used for performance assessment at NPPs.

The Commission safety review determined that existing regulations, operating license conditions and technical specifications, and frequent inspections and technical reviews of licensee programs provide the necessary assurance that plant safety features, including heat exchangers, are properly designed, maintained, and operated. No information was found nor provided in the PRM to suggest that these safety-significant systems are not able to perform their intended functions.

Sincerely,

*/RA/*

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: As stated

cc: Representative Rick Boucher

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The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change,  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

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