

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001
Attn: Rulemakings and Adjudications Staff

January 12, 2004

Petition

1. Specification of the rule that is to be developed:

Criteria for acceptance for review of reports of data and/or analyses that are potentially applicable to nuclear power plant licensing.

2. Petitioner's grounds for and interest in the action requested:

Petitioner is aware that several reports that disclaim certification of the contents have been referenced in NRC regulations.

Examples of deficient certification of reports referenced in Appendix K to 10 CFR Part 50:

Example 1, The introductory page to NUREG-17 includes the following warning:
This report was prepared as an account of work sponsored by the United States Government. Neither the United States nor the Energy Research and Development Administration/United States Nuclear Regulatory Commission, nor any of their employees, nor any of their contractors, subcontractors, or their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any information, apparatus, product or process disclosed, or represents that its use would not infringe privately owned rights.

Example 2, The cover page to WCAP-7665 includes the following warning:
This report was prepared as an account of work sponsored by the United States Government. Neither the United States nor the United States Atomic Energy Commission, nor any of their employees, nor any of their contractors, subcontractors, or their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any information, apparatus, product or process disclosed, or represents that its use would not infringe privately owned rights.)

Example 3, On page 58 of ANL-6548, Baker and Just disclose Part VII. APPLICATION TO REACTOR HAZZARDS ANALYSIS*. The asterisk leads to the following footnote:

***This discussion is of a preliminary nature: work in this area is continuing.**

The next example, Example 4, is not yet referenced in NRC regulations, however it is under review by NRC. EPRI Report 1002865, *Topical Report on Reactivity Initiated Accidents: Bases for RIA Fuel Rod Failures and Core Coolability Criteria* has a three paragraph **DISCLAIMER OF WARRANTIES AND LIMITATION OF LIABILITIES**.

3. Petitioner's statement of the specific issues involved; views with respect to those issues; relevant technical, scientific, or other data involved:

The NRC must have regulations that demand certification of reports that are submitted to it that have potential licensing applications. For example, NRC must not accept reports that lack certification of the information. apparatus, method, process, or similar items disclosed in the document. Furthermore, the NRC must demand that the reports identify the fitness of the report for a particular purpose or purposes.

Clearly, the public has no basis for having confidence in a system of regulation that has its roots in reports that are disclaimed by the submitting organizations.

Submitted by:



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