

September 6, 2013

Mr. Mark E. Leyse
P.O. Box 1314
New York, NY 10025

Dear Mr. Leyse:

I am responding to your letter dated February 28, 2012 (U.S. Nuclear Regulatory Commission's (NRC's) Agencywide Documents Access and Management System Accession No. ML12065A215), by which you submitted a petition for rulemaking (PRM) to the NRC. Specifically, you requested that the NRC require all holders of operating licenses for nuclear power plants (NPPs) to operate NPPs with in-core thermocouples at different elevations and radial positions throughout the reactor core to enable NPP operators to accurately measure a large range of in-core temperatures in NPP steady-state and transient conditions.

The NRC docketed your petition as PRM-50-105, and published a notice of receipt and request for public comment in the *Federal Register* on May 23, 2012 (77 FR 30435). The comment period closed on August 6, 2012. The NRC received four comment submissions on the PRM from the Nuclear Energy Institute, Exelon Generation Company, and two from you (one of which was submitted after the public comment period closed). All docketed material related to your petition is available online at www.regulations.gov under Docket No. NRC-2012-0056.

After reviewing your petition and the public comments received, the NRC determined that your PRM should be denied. In summary, the NRC is denying your PRM because: 1) there are no protection or plant control functions that utilize inputs from core exit thermocouples (CETs); 2) there is no operational necessity for more accurate measurement of temperatures throughout the core; 3) the petition provided inadequate justification of why precise knowledge of core temperature at various elevations and radial positions would enhance safety or change operator action; and 4) the NRC believes that, despite the known limitations of CETs, CETs are sufficient to allow nuclear power plant operators to take timely and effective action in the event of an accident. The reasons for the denial are discussed in further detail in the enclosed notice, to be submitted for publication in the *Federal Register*.

With this action, the NRC considers your petition for rulemaking to be resolved, and the NRC is closing the docket on your petition.

- 2 -

If you have any questions about this denial, then please contact Tara Inverso by calling 301-415-1024 or by e-mailing Tara.Inverso@nrc.gov.

Sincerely,

/RA/

Richard J. Laufer
Acting Secretary of the Commission

Enclosure:
Federal Register notice