



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 14, 2020

Michael D. Lorton  
2201 Townley Road  
Toledo, OH 43614

Dear Mr. Lorton:

This letter responds to your correspondence submitted on behalf of Algignis, Inc., to the U.S. Nuclear Regulatory Commission (NRC), dated April 25, 2019.<sup>1</sup> In your correspondence, you requested that the NRC amend its regulations at Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," of Title 10 of the *Code of Federal Regulations* (10 CFR). You request that the NRC revise its regulations for operating nuclear power plants to standardize the safe recovery and utilization of waste heat co-generated from power operations, including the construction, operation, and maintenance of methods of recovering and utilizing waste heat.

The NRC has reviewed your request and has concluded that the information you provided does not meet the Commission's criteria for a petition for rulemaking under 10 CFR 2.802(c). Specifically, your petition does not (1) present the specific problems or issues that should be addressed through rulemaking, including any specific circumstances in which the NRC's codified requirements are incorrect, incomplete, inadequate, or unnecessarily burdensome, as required by 10 CFR 2.802(c)(1)(iii); (2) cite, enclose, or reference publicly available technical, scientific, or other data or information to support your assertion of the identified problems or issues, as required by 10 CFR 2.802(c)(1)(iv); or (3) cite, enclose, or reference publicly available data or information to support your proposed solution, as required by 10 CFR 2.802(c)(1)(vii).

With respect to the first and second requirements, your petition notes environmental issues that you suggest would be addressed by waste heat recovery. In addition, your petition notes that "Diablo Canyon Nuclear Power Station in California has utilized waste heat." The NRC regulations do not currently prohibit an applicant or licensee from designing and implementing waste heat recovery systems. Thus, to the extent that your proposal is intended to "implement the objective of productively and safely recovering and utilizing waste heat from the Nation's nuclear power plants," your petition does not explain why the current requirements are deficient.

Second, your petition does not cite, enclose, or reference publicly available data or information supporting your assertion of a problem or your proposed solution. You included the general statement that "Lots and lots of people have written and spoken about these objectives in great detail and at great length." However, you did not include specific citations to other publicly available data or studies relevant to the specific problem of waste heat within the area controlled

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<sup>1</sup> Available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML20008D649 as submitted November 20, 2019, as a public petition for rulemaking. The request originally was submitted through the NRC's general forms Electronic Information Exchange portal in April 2019 as nonpublic, and therefore was not routed for review as a petition.

by a licensee of a nuclear power plant. Further, your petition suggested that waste heat recovery is a beneficial use of waste heat. The potential benefits that may be derived from the use of waste heat recovery systems is not clearly within NRC's regulatory authority, as these benefits do not have a direct nexus to the public's radiological health and safety or common defense and security.

For the reasons discussed above, your April 25, 2019, petition does not satisfy the requirements of 10 CFR 2.802(c) and, therefore, cannot be docketed by the NRC, as provided for in 10 CFR 2.803(b). If you wish the NRC to reconsider your request that the agency amend its regulations, you must supplement your correspondence of April 25, 2019.

If you have any questions, please contact Cindy Bladey, Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards, by phone at 301-415-3280 (toll-free at 1-800-368-5642), or by e-mail at [Cindy.Bladey@nrc.gov](mailto:Cindy.Bladey@nrc.gov).

Sincerely,

*Theresa V. Clark*

Theresa Clark, Acting Director  
Division of Rulemaking, Environmental,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards