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DOCKETED
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August 16, 2007 (2:33pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

August 15, 2007

Ms. Annette L. Vietti Cook
Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001

Attention: Rulemaking and Adjudications Staff

Public Comment on PRM-50-84, Information Relevant to Regulatory Activities

Dear Ms. Vietti Cook:

Today I became aware of the following which is copied from the NRC's web site:

News Releases and Speeches

August 15, 2007

NRC Issues Order to FirstEnergy Regarding Information Relevant to
Regulatory Activities

Now, in my letter dated July 27, 2007,

Tenacious crud yields high cladding temperatures from Robert H. Leyse (Comment #2)	07/27/07	MS Word	42k	1898-0001.msw	1898-0001.htm
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I refer to a proprietary EPRI report, **BWR Fuel Deposit Sample Evaluation, River Bend Cycle 11 Crud Flakes** that was available to NRC inspectors. I have been told, *"This was an analysis of the fuel crud performed by the Electric Power Research Institute (EPRI). The EPRI analysis evaluated a sample of crud taken directly from the River Bend Station failed fuel. This document was marked proprietary. As such, the inspectors were restricted from disclosing sensitive information contained in the analysis to the general public. Instead, the inspectors sought other available information to provide a description of fuel crud cooling characteristics. The referenced document, **Two-Phase Flow and Heat Transfer**, D. Butterworth and G. F. Hewitt, Oxford University Press, 1977, suited this purpose."*

Now, it seems to me that the proprietary EPRI report, **BWR Fuel Deposit Sample Evaluation, River Bend Cycle 11 Crud Flakes**, that was (apparently temporarily) available to NRC inspectors, has Information Relevant to Regulatory Activities. As such, ENTERGY should likely be subject to

Template = SECY-067

SECY-02

requirements that are comparable to FENOC's as is illustrated in today's ORDER that is partially copied below.

August 15, 2007

**NRC ISSUES ORDER TO FIRSTENERGY REGARDING
INFORMATION RELEVANT TO REGULATORY ACTIVITIES**

The Nuclear Regulatory Commission has issued a Confirmatory Order to FirstEnergy Nuclear Operating Company (FENOC), regarding the company's actions to ensure the prompt sharing of information of potential regulatory interest to the agency.

The Order is based on commitments FENOC made following the NRC's Demand for Information earlier this year. The demand dealt with documents and analyses the company commissioned for non-regulatory purposes, along with delays between FENOC's receipt of the information and its subsequent submittal to the agency. The analyses include the "Exponent Report," which discussed corrosion that severely weakened the Davis-Besse reactor vessel's head in 2002. The report provided conclusions that could have affected NRC-required activities at U.S. commercial reactors.

The Order requires FENOC to take several actions, including:

- Train selected employees by Nov. 30 to recognize and communicate information that could have a regulatory impact;

- Use an outside consultant to review FENOC staff's sensitivity to potentially important information in January 2008 and 2009, reporting the results and any follow-on actions to the NRC, and;

- Develop a formal review procedure for technical reports created for non-regulatory uses, to ensure recognition of the reports' possible regulatory impacts.

Obviously I am not a Lawyer; however, this letter provides further reasons to implement PRM-50-84. Crud deposits are ubiquitous among the worldwide fleet of LWRs, and the issues are of very high safety significance.

Robert H. Leyse

From: Angella Love-Blair
To: SECY
Date: Thu, Aug 16, 2007 12:27 PM
Subject: Comment letter on PRM-50-84

Attached for docketing is a comment letter from Robert H. Leyse on the above noted PRM. The letter was received by the rulemaking website on 8/16/07.

Thanks,
Angella

Mail Envelope Properties (46C47AEC.152 : 11 : 10288)

Subject: Comment letter on PRM-50-84
Creation Date Thu, Aug 16, 2007 12:27 PM
From: Angella Love-Blair

Created By: ALB5@nrc.gov

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1898-0011.msw.doc	37376	Thursday, August 16, 2007 12:21 PM

Options

Expiration Date: None
Priority: Standard
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Return Notification:
Send Receipt/Notify when Opened
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Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
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Block List is not enabled