



SECRETARY

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

January 9, 2019

COMMISSION VOTING RECORD

DECISION ITEM:                   SECY-18-0102

TITLE:                               DENIAL OF PETITION FOR RULEMAKING TO REQUIRE  
LICENSEES TO CONFIRM SEISMIC HAZARDS AND  
FLOODING HAZARDS EVERY 10 YEARS AND ADDRESS ANY  
NEW AND SIGNIFICANT INFORMATION (PRM-50-99; NRC-  
2011-0189)

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 9, 2019.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in blue ink, appearing to read "Annette L. Vietti-Cook", with a long horizontal flourish extending to the right.

Annette L. Vietti-Cook  
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Svinicki  
Commissioner Baran  
Commissioner Burns  
Commissioner Caputo  
Commissioner Wright  
OGC  
EDO  
PDR

VOTING SUMMARY – SECY-18-0102

RECORDED VOTES

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>ABSTAIN</u>	<u>NOT PARTICIPATING</u>	<u>COMMENTS</u>	<u>DATE</u>
Chrm. Svinicki	X				X	01/02/19
Cmr. Baran	X				X	12/13/18
Cmr. Burns	X				X	12/11/18
Cmr. Caputo	X				X	01/02/19
Cmr. Wright	X				X	01/02/19

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN SVINICKI  
SUBJECT: SECY-18-0102: Denial of Petition for Rulemaking to Require Licensees to Confirm Seismic Hazards and Flooding Hazards Every 10 Years and Address Any New and Significant Information (PRM-50-99; NRC-2011-0189)

Approved XX Disapproved \_\_\_ Abstain \_\_\_ Not Participating \_\_\_

Comments: Below XX Attached XX None \_\_\_

I approve publication of the *Federal Register* notice denying PRM-50-99, subject to the attached edits.

  
\_\_\_\_\_  
SIGNATURE

1 / 2 / 2019  
DATE

Entered on "STARS" Yes  No \_\_\_

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 50, 52, and 100**

**[Docket No. PRM-50-99; NRC-2011-0189]**

**Enhancing Reactor Safety Petition for Rulemaking**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated July 26, 2011, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner). The petitioner requested that the NRC amend its regulations to require nuclear facilities to confirm seismic and flooding hazards every 10 years and to address any new and significant information. The petition was docketed by the NRC on August 4, 2011, and was assigned Docket No. PRM-50-99. The NRC did not request public comment on this petition because the staff had sufficient information to review the issues raised in the PRM. The NRC is denying the petition because the NRC is addressing the issues raised in the petition using an approach other than rulemaking.

**DATES:** The docket for PRM-50-99 is closed on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0189 when contacting the NRC about the availability of information for this action. You may obtain publicly-available

information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0189. Address questions about NRC rulemaking dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-3781; e-mail: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov), or Joseph Sebrosky, Office of Nuclear Reactor Regulation, telephone: 301-415-1132; e-mail: [Joseph.Sebrosky@nrc.gov](mailto:Joseph.Sebrosky@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**

## I. The Petition

Section 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Petition for rulemaking—requirements for filing," provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On July 26, 2011, the NRC received a PRM from the NRDC. The petitioner requested that the NRC amend its regulations to require nuclear facilities licensed under 10 CFR Parts 50, 52, and 100, and other applicable regulations, to confirm seismic hazards and flooding hazards every 10 years and to address any new and significant information, which would include, if necessary, updating the design basis for structures, systems, and components (SSCs) important to safety to protect against the updated hazards.

The petitioner cited Recommendation 2.2 (R2.2) of Section 4.1.1 of the NRC's Post-Fukushima Near-Term Task Force report (ADAMS Accession No. ML11186A9501807) as the rationale and bases for the PRM, which recommended that licensees address any new and significant information and, if necessary, take actions that could include updating the design basis for SSCs important to safety to protect against the updated hazards.

On September 20, 2011 (76 FR 58165), the NRC published a notice of docketing for several PRMs from the NRDC in the *Federal Register*, which included Docket No. PRM-50-99 (Seismic Hazards and Flooding Hazards).<sup>1</sup> The only PRM being addressed in this *Federal Register* notice is PRM-50-99.

---

<sup>1</sup> The notice also provided Docket Nos. PRM-50-97 (Emergency Preparedness Enhancements for Prolonged Station Blackouts), PRM-50-98 (Emergency Preparedness Enhancements for Multiunit Events), PRM-50-100 (Spent Nuclear Fuel Pool Safety), PRM-50-101 (Station Blackout Mitigation), and PRM-50-102 (Training on Severe Accident Mitigation [sic] Guidelines). The staff reviewed the other PRMs separately as part of the Mitigation of Beyond-Design-Basis Events draft final rule (see SECY-16-0142, dated December 15, 2016 (ADAMS Accession No. ML16291A186)). This draft final rule is currently with the Commission for review.

## II. Reasons for Denial

The NRC is denying the petition because the staff concluded in SECY-15-0137, “Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations,” Enclosure 2 (ADAMS Accession No. ML15254A006) that the NRC can meet the intent of R2.2 (which is the issue raised in the petition) using an approach other than rulemaking. In the staff requirements memorandum (SRM) for SECY-15-0137, dated February 8, 2016 (ADAMS Accession No. ML16039A175), the Commission approved the staff’s proposed closure plans, and thereby approved the staff’s plans to use an enhanced process—other than rulemaking—to identify and evaluate new information related to external hazards.

Subsequently, in “Recommendation 2.2: Plan to Ensure Ongoing Assessment of Natural Hazards Information” (ADAMS Accession No. ML16286A569), Enclosure 2 of SECY-16-0144, “Proposed Resolution of Remaining Tier 2 and 3 Recommendations Resulting from the Fukushima Dai-ichi Accident.” (ADAMS Accession No. ML16286A552), the staff provided the Commission with additional details regarding the staff’s plan to enhance existing processes to ensure the ongoing assessment of new information and reconfirmation of natural hazards in a manner consistent with R2.2. As noted in Enclosure 2, while R2.2 focused on seismic and flooding hazards, the proposed framework is intended to accommodate a range of natural hazards (e.g., seismic; flooding; and extreme weather, such as high winds). In the SRM associated with SECY-16-0144, dated May 3, 2017 (ADAMS Accession No. ML17123A453), the Commission approved the staff’s recommendations for the development of the process enhancements described in Enclosure 2 to SECY-16-0144.

The staff is implementing the process enhancements described in Enclosure 2 of SECY-16-0144 via a process that the staff subsequently identified as the “Process for Ongoing Assessment of Natural Hazard Information” (POANHI). The staff’s implementation of these process enhancements is ongoing. A cross-agency team has been formed to implement the POANHI. The team is developing procedures and has begun testing and populating the Natural Hazards Information Digest. The Commission-identified completion and implementation date for POANHI is October 2019.

In summary, the NRC is denying the petition because the staff is addressing the issue raised in the petition through the enhancement of existing NRC processes and the development of associated staff procedures to ensure that the staff proactively and routinely aggregates and assesses new information related to natural hazards (including, but not limited to, seismic and flooding hazards). The Commission-approved approach for ensuring the ongoing, routine, proactive, and systematic assessment of natural hazards information is outlined in SECY-15-0137 and SECY-16-0144 (~~ADAMS Accession Nos. ML16039A175 and ML16286A586, respectively~~) and associated staff requirements memorandums dated February 8, 2016, and May 3, 2017 (~~ADAMS Accession Nos. ML16039A175 and ML17123A453, respectively~~).

### **III. Stakeholder Interactions**

The NRC held several public meetings to solicit input from stakeholders during the development of SECY-15-0137. This included a public meeting held on October 6, 2015, in which the NRC staff provided the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Fukushima with an overview of the staff’s plans to



resolve all open Near-Term Task Force Tier 2 and 3 recommendations. The staff also discussed these plans with the ACRS Full Committee on November 5, 2015. In addition, the staff provided an overview of its proposed resolution plans for all of the open Tier 2 and 3 recommendations during a Category 2 public meeting held on October 20, 2015. Further, the staff briefed the Commission on the status of Tier 2 and 3 activities during public meetings held on November 17, 2015, and May 17, 2016.

In addition to the meetings discussed above, ~~the NRC held a public meeting on August 25, 2016, where~~ the NRC discussed the framework for the ongoing assessment of natural hazards information, described in Enclosure 2 of SECY-16-0144, with external stakeholders during a Fukushima Joint Steering Committee meeting (ADAMS Accession No. ML16252A221).

On September 22, 2016, the NRC issued a document titled, "White Paper for Staff Assessment of Fukushima Lessons Learned Associated with Other Natural Hazards, Periodic Confirmation of Natural Hazards, and Real-Time Radiation Monitoring" (ADAMS Accession No. ML16230A384). The NRC staff briefed the ACRS Subcommittee on Fukushima on October 19, 2016, and the ACRS Full Committee on November, 30, 2016, on its assessment of other natural hazards, ongoing assessments of natural hazards information, and real-time radiation monitoring.

#### **IV. Conclusion**

For the reasons cited in this document, the NRC is denying PRM-50-99. As explained above, the petition relied upon R2.2 of the NRC's Post-Fukushima Near-Term Task Force report, and did not present any significant new information or arguments.

Accordingly, for the same reasons that R2.2 did not warrant an amendment to the NRC's regulations, the petition does not warrant an amendment to the NRC's regulations.

Dated at Rockville, Maryland, this    day of,    2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,  
Secretary of the Commission.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Baran


SUBJECT: SECY-18-0102: Denial of Petition for Rulemaking to Require Licensees to Confirm Seismic Hazards and Flooding Hazards Every 10 Years and Address Any New and Significant Information (PRM-50-99; NRC-2011-0189)

Approved  Disapproved  Abstain  Not Participating

COMMENTS: Below  Attached  None

Entered in "STARS"

Yes   
No

  
\_\_\_\_\_  
SIGNATURE  
12/13/18  
\_\_\_\_\_  
DATE

**Commissioner Baran's Comments on SECY-18-0102,  
"Denial of Petition for Rulemaking to Require Licensees to Confirm Seismic Hazards and  
Flooding Hazards Every 10 Years and Address Any New and Significant Information"**

Recognizing that external hazard data and models will evolve over time, the post-Fukushima Near-Term Task Force recommended initiating a rulemaking to reevaluate the seismic and flooding hazards facing nuclear power plants every ten years to address any new and significant information. In 2011, the Natural Resources Defense Council (NRDC) submitted a petition for rulemaking to implement this recommendation. NRDC and the Near-Term Task Force rightly focused on the need for updated flood and earthquake hazard information.

In the time since NRDC filed its petition, the NRC staff has evaluated the pros and cons of different options for achieving this goal. In 2015, as part of its proposed resolution of Tier 2 and Tier 3 issues, the staff determined that its processes for assessing new external hazard information were too passive. As the staff explained, "NRC's current practice generally involves initiating a hazard reassessment either after the occurrence of a major event that challenges a plant's design basis or after receipt of information determined to have the potential to significantly impact plant safety."<sup>1</sup> The staff found that "there is no existing NRC process that actively seeks to determine if there is new hazard information available."<sup>2</sup> According to the staff, "when new information is identified, there is the potential that the information could be evaluated in isolation, rather than through a methodical evaluation of the cumulative effect of new data, models, and methods that accrue over time."<sup>3</sup> Therefore, the staff recommended developing a method to "enhance existing NRC processes and programs to ensure that information related to external hazards is proactively and routinely evaluated in a systematic manner." The Commission approved this recommendation in 2016.

The NRC staff then began work on establishing "a more routine, proactive, and systematic program for identifying and evaluating new information related to natural hazards."<sup>4</sup> Under the approach developed by the staff and later approved by the Commission, the staff will collect, aggregate, review, and assess new scientific information about a range of natural hazards on an ongoing basis. The staff began by compiling and organizing a knowledge base for each type of natural hazard consisting of all the information gathered through the agency's previous work. This will ensure that the data, models, documentation, and staff insights relied on in the past are readily retrievable in the future. Over time, the staff is expanding this knowledge base through active and ongoing technical engagement with other federal agencies, academia, industry, international counterparts, professional societies, and consensus standards organizations. When the staff obtains new information about a natural hazard, the staff will assess its potential significance in the context of the accumulated hazard information, rather than in isolation. "The overall objective ... is to determine if the new information could have a potentially significant effect on plant safety."<sup>5</sup>

I believe that this new program to actively and routinely seek out the latest scientific information about the natural hazards facing nuclear power plants will significantly enhance safety. And it is necessary in light of the impacts of climate change on some hazards, such as flooding and drought, which are predicted to exceed historical levels in the future. Our

---

<sup>1</sup> SECY-15-0137.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> SECY-16-0144

<sup>5</sup> *Id.*

regulatory processes need to account for the changing frequency, intensity, and duration of these events. Successful implementation of this process will require a sustained, long-term effort by the NRC staff. But deepening and refining our understanding of natural hazards will provide substantial benefits in the years to come.

Because NRC is actively implementing an alternative approach to achieve the goal of NRDC's petition for rulemaking, I approve publication of the *Federal Register* notice denying the petition, subject to the attached edits.

**NUCLEAR REGULATORY COMMISSION**  
**10 CFR Parts 50, 52, and 100**  
**[Docket No. PRM-50-99; NRC-2011-0189]**  
**Enhancing Reactor Safety Petition for Rulemaking**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated July 26, 2011, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner). The petitioner requested that the NRC amend its regulations to require nuclear facilities to confirm seismic and flooding hazards every 10 years and to address any new and significant information. The petition was docketed by the NRC on August 4, 2011, and was assigned Docket No. PRM 50-99. The NRC did not request public comment on this petition because the staff had sufficient information to review the issues raised in the PRM. The NRC is denying the petition because the NRC is addressing the issues raised in the petition using an approach other than rulemaking.

**DATES:** The docket for PRM-50-99 is closed on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0189 when contacting the NRC about the availability of information for this action. You may obtain publicly-available

information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0189. Address questions about NRC rulemaking dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-3781; e-mail: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov), or Joseph Sebrosky, Office of Nuclear Reactor Regulation, telephone: 301-415-1132; e-mail: [Joseph.Sebrosky@nrc.gov](mailto:Joseph.Sebrosky@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**

## I. The Petition

Section 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Petition for rulemaking—requirements for filing," provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On July 26, 2011, the NRC received a PRM from the NRDC. The petitioner requested that the NRC amend its regulations to require nuclear facilities licensed under 10 CFR Parts 50, 52, and 100, and other applicable regulations, to confirm seismic hazards and flooding hazards every 10 years and to address any new and significant information, which would include, if necessary, updating the design basis for structures, systems, and components (SSCs) important to safety to protect against the updated hazards.

The petitioner cited Recommendation 2.2 ~~(R2.2)~~ of Section 4.1.1 of the NRC's Post-Fukushima Near-Term Task Force report (ADAMS Accession No. ML11186A950) as the rationale and basis for the PRM. In this recommendation, the Near-Term Task Force proposed which recommended that licensees address any new and significant information and, if necessary, take actions that could include updating the design basis for SSCs important to safety to protect against the updated hazards.

On September 20, 2011 (76 FR 58165), the NRC published a notice of docketing for several PRMs from the NRDC in the *Federal Register*, which included Docket No. PRM-50-99 (Seismic Hazards and Flooding Hazards)<sup>1</sup>. The only PRM being addressed in this *Federal Register* notice is PRM 50-99.

**Commented [JB1]:** Update last sentence of the footnote if the final rule is affirmed before the FRN goes out.

<sup>1</sup> The notice also provided Docket Nos. PRM 50-97 (Emergency Preparedness Enhancements for Prolonged Station Blackouts), PRM 50-98 (Emergency Preparedness Enhancements for Multiunit Events), PRM 50-100 (Spent Nuclear Fuel Pool Safety), PRM 50-101 (Station Blackout Mitigation), and PRM 50-102 (Training on Severe Accident Mitigation [sic] Guidelines). The staff reviewed the other PRMs separately as part of the Mitigation of Beyond-Design-Basis Events draft final rule (see SECY-16-0142, dated December 15, 2016 (ADAMS Accession No. ML16291A186)). This draft final rule is currently with the Commission for review.



## II. Reasons for Denial

The NRC is denying the petition because the staff concluded in SECY-15-0137, "Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations," Enclosure 2 (ADAMS Accession No. ML15254A006) that the NRC can meet the intent of [Recommendation 2.2](#) (which is the issue raised in the petition) using an approach other than rulemaking. In the staff requirements memorandum (SRM) for SECY-15-0137, dated February 8, 2016 (ADAMS Accession No. ML16039A175), the Commission approved the staff's proposed closure plans, and thereby approved the staff's plans to use an enhanced process—other than rulemaking—to identify and evaluate new information related to external hazards.

Subsequently, in "Recommendation 2.2: Plan to Ensure Ongoing Assessment of Natural Hazards Information" (ADAMS Accession No. ML16286A569), Enclosure 2 of SECY-16-0144, "Proposed Resolution of Remaining Tier 2 and 3 Recommendations Resulting from the Fukushima Dai-ichi Accident." (ADAMS Accession No. ML16286A552), the staff provided the Commission with additional details regarding the staff's plan to enhance existing processes to ensure the ongoing assessment of new information and reconfirmation of natural hazards [at nuclear plants](#) in a manner consistent with [Recommendation 2.2](#). As noted in Enclosure 2, while [Recommendation 2.2](#) focused on seismic and flooding hazards, the proposed framework is intended to accommodate a range of natural hazards, [including earthquakes, \(e.g., seismic; flooding; and extreme weather, such as high winds\).](#) [Under this framework, the staff will collect, aggregate, review, and assess new scientific information about a wide range of natural hazards on an ongoing basis.](#) In the SRM associated with SECY-16-0144, dated May 3, 2017 (ADAMS Accession No. ML17123A453), the Commission approved the

staff's recommendations for the development of the process enhancements described in Enclosure 2 to SECY-16-0144.

The staff is implementing the process enhancements described in Enclosure 2 of SECY-16-0144 via a process that the staff subsequently identified as the "Process for Ongoing Assessment of Natural Hazard Information" (POANHI). The staff's implementation of these process enhancements is ongoing. A cross-agency team has been formed to implement the POANHI. The team is developing procedures and has begun testing and populating the Natural Hazards Information Digest. The ~~Commission-identified~~ completion and implementation date for POANHI is October 2019.

In summary, the NRC is denying the petition because the staff is addressing the issue raised in the petition through the enhancement of existing NRC processes and the development of associated staff procedures to ensure that the staff proactively and routinely aggregates and assesses new information related to natural hazards (including, but not limited to, seismic and flooding hazards). The Commission-approved approach for ensuring the ongoing, routine, proactive, and systematic assessment of natural hazards information is ~~outlined-described~~ in SECY-15-0137 and SECY-16-0144 (ADAMS Accession Nos. ML16039A175 and ML16286A586, respectively) and ~~the~~ associated staff requirements memorandums ~~from the Commission~~ dated February 8, 2016, and May 3, 2017 (ADAMS Accession Nos. ML16039A175 and ML17123A453, respectively).

### III. Stakeholder Interactions

The NRC held several public meetings to solicit input from stakeholders during the development of SECY-15-0137. This included a public meeting held on October 6, 2015, in which the NRC staff provided the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Fukushima with an overview of the staff's plans to resolve all open Near-Term Task Force Tier 2 and 3 recommendations. The staff also discussed these plans with the ACRS Full Committee on November 5, 2015. In addition, the staff provided an overview of its proposed resolution plans for all of the open Tier 2 and 3 recommendations during a Category 2 public meeting held on October 20, 2015. Further, the staff briefed the Commission on the status of Tier 2 and 3 activities during public meetings held on November 17, 2015, and May 17, 2016.

In addition to the meetings discussed above, the NRC held a public meeting of the Fukushima Joint Steering Committee on August 25, 2016, where the NRC discussed the framework for the ongoing assessment of natural hazards information, described in Enclosure 2 of SECY-16-0144, with external stakeholders during a Fukushima Joint Steering Committee meeting (ADAMS Accession No. ML16252A221).

On September 22, 2016, the NRC issued a document titled, "White Paper for Staff Assessment of Fukushima Lessons Learned Associated with Other Natural Hazards, Periodic Confirmation of Natural Hazards, and Real-Time Radiation Monitoring" (ADAMS Accession No. ML16230A384). The NRC staff briefed the ACRS Subcommittee on Fukushima on October 19, 2016, and the ACRS Full Committee on November, 30, 2016, on its assessment of other natural hazards, ongoing assessments of natural hazards information, and real-time radiation monitoring the topics covered in the white paper.

#### IV. Conclusion

For the reasons cited in this document, the NRC is denying PRM-50-99. As explained above, the petition relied upon Recommendation 2.2 of the NRC's Post-Fukushima Near-Term Task Force report, ~~and did not present any significant new information or arguments. Because the NRC is actively implementing an alternative approach to achieve the purpose of the Near-Term Task Force recommendation and NRDC's petition for rulemaking, it is not necessary to amend the NRC's regulations. Accordingly, for the same reasons that R2.2 did not warrant an amendment to the NRC's regulations, the petition does not warrant an amendment to the NRC's regulations.~~

Dated at Rockville, Maryland, this    day of,    2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,  
Secretary of the Commission.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Burns

SUBJECT: SECY-18-0102: Denial of Petition for Rulemaking to Require Licensees to Confirm Seismic Hazards and Flooding Hazards Every 10 Years and Address Any New and Significant Information (PRM-50-99; NRC-2011-0189)

Approved  Disapproved  Abstain  Not Participating

Comments: Below  Attached  None

I approve publication of the *Federal Register* notice denying PRM-50-99, subject to the attached edits.

Entered in STARS

Yes

No



\_\_\_\_\_  
SIGNATURE

11 December 2018  
\_\_\_\_\_  
DATE

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 50, 52, and 100**

**[Docket No. PRM-50-99; NRC-2011-0189]**

**Enhancing Reactor Safety Petition for Rulemaking**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated July 26, 2011, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner). The petitioner requested that the NRC amend its regulations to require nuclear facilities to confirm seismic and flooding hazards every 10 years and to address any new and significant information. The petition was docketed by the NRC on August 4, 2011, and was assigned Docket No. PRM 50-99. The NRC did not request public comment on this petition because the staff had sufficient information to review the issues raised in the PRM. The NRC is denying the petition because the NRC is addressing the issues raised in the petition using an approach other than rulemaking.

**DATES:** The docket for PRM-50-99 is closed on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0189 when contacting the NRC about the availability of information for this action. You may obtain publicly-available

information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0189. Address questions about NRC rulemaking dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-3781; e-mail: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov), or Joseph Sebrosky, Office of Nuclear Reactor Regulation, telephone: 301-415-1132; e-mail: [Joseph.Sebrosky@nrc.gov](mailto:Joseph.Sebrosky@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**

## I. The Petition

Section 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Petition for rulemaking—requirements for filing,” provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On July 26, 2011, the NRC received a PRM from the NRDC. The petitioner requested that the NRC amend its regulations to require nuclear facilities licensed under 10 CFR Parts 50, 52, and 100, and other applicable regulations, to confirm seismic hazards and flooding hazards every 10 years and to address any new and significant information, which would include, if necessary, updating the design basis for structures, systems, and components (SSCs) important to safety to protect against the updated hazards.

The petitioner cited Recommendation 2.2 (R2.2) of Section 4.1.1 of the NRC’s ~~Post~~-Fukushima Near-Term Task Force report (ADAMS Accession No. ML11186A950) as the rationale and bases for the PRM, which recommended that licensees address any new and significant information and, if necessary, take actions that could include updating the design basis for SSCs important to safety to protect against the updated hazards.

On September 20, 2011 (76 FR 58165), the NRC published a notice of docketing for several PRMs from the NRDC in the *Federal Register*, which included Docket No. PRM–50–99 (Seismic Hazards and Flooding Hazards)<sup>1</sup>. The only PRM being addressed in this *Federal Register* notice is PRM 50-99.

---

<sup>1</sup> The notice also provided Docket Nos. PRM 50-97 (Emergency Preparedness Enhancements for Prolonged Station Blackouts), PRM 50-98 (Emergency Preparedness Enhancements for Multiunit Events), PRM 50-100 (Spent Nuclear Fuel Pool Safety), PRM 50-101 (Station Blackout Mitigation), and PRM 50-102 (Training on Severe Accident Mitigation [sic] Guidelines). The staff reviewed the other PRMs separately as part of the Mitigation of Beyond-Design-Basis Events draft final rule (see SECY-16-0142, dated December 15, 2016 (ADAMS Accession No. ML16291A186)). ~~This draft final rule is currently with the Commission for review.~~



## II. Reasons for Denial

The NRC is denying the petition because the staff concluded in SECY-15-0137, “Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations,” Enclosure 2 (ADAMS Accession No. ML15254A006) that the NRC can meet the intent of R2.2 (which is the issue raised in the petition) using an approach other than rulemaking. In the staff requirements memorandum (SRM) for SECY-15-0137, dated February 8, 2016 (ADAMS Accession No. ML16039A175), the Commission approved the staff’s proposed closure plans, and thereby approved the staff’s plans to use an enhanced process—other than rulemaking—to identify and evaluate new information related to external hazards.

Subsequently, in “Recommendation 2.2: Plan to Ensure Ongoing Assessment of Natural Hazards Information” (ADAMS Accession No. ML16286A569), Enclosure 2 of SECY-16-0144, “Proposed Resolution of Remaining Tier 2 and 3 Recommendations Resulting from the Fukushima Dai-ichi Accident.” (ADAMS Accession No. ML16286A552), the staff provided the Commission with additional details regarding the staff’s plan to enhance existing processes to ensure the ongoing assessment of new information and reconfirmation of natural hazards in a manner consistent with R2.2. As noted in Enclosure 2, while R2.2 focused on seismic and flooding hazards, the proposed framework is intended to accommodate a range of natural hazards (e.g., seismic; flooding; and extreme weather, such as high winds). In the SRM associated with SECY-16-0144, dated May 3, 2017 (ADAMS Accession No. ML17123A453), the Commission approved the staff’s recommendations for the development of the process enhancements described in Enclosure 2 to SECY-16-0144.

The staff is implementing the process enhancements described in Enclosure 2 of SECY-16-0144 via a process that the staff subsequently identified as the "Process for Ongoing Assessment of Natural Hazard Information" (POANHI). The staff's implementation of these process enhancements is ongoing. A cross-agency team has been formed to implement the POANHI. The team is developing procedures and has begun testing and populating the Natural Hazards Information Digest. The Commission-identified completion and implementation date for POANHI is October 2019.

In summary, the NRC is denying the petition because the staff is addressing the issue raised in the petition through the enhancement of existing NRC processes and the development of associated staff procedures to ensure that the staff proactively and routinely aggregates and assesses new information related to natural hazards (including, but not limited to, seismic and flooding hazards). The Commission-approved approach for ensuring the ongoing, routine, proactive, and systematic assessment of natural hazards information is outlined in SECY-15-0137 and SECY-16-0144 (ADAMS Accession Nos. ML16039A175 and ML16286A586, respectively) and associated staff requirements memorandums dated February 8, 2016, and May 3, 2017 (ADAMS Accession Nos. ML16039A175 and ML17123A453, respectively).

### **III. Stakeholder Interactions**

The NRC held several public meetings to solicit input from stakeholders during the development of SECY-15-0137. This included a public meeting held on October 6, 2015, in which the NRC staff provided the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Fukushima with an overview of the staff's plans to

resolve all open Near-Term Task Force Tier 2 and 3 recommendations. The staff also discussed these plans with the ACRS Full Committee on November 5, 2015. In addition, the staff provided an overview of its proposed resolution plans for all of the open Tier 2 and 3 recommendations during a Category 2 public meeting held on October 20, 2015. Further, the staff briefed the Commission on the status of Tier 2 and 3 activities during public meetings held on November 17, 2015, and May 17, 2016.

In addition to the meetings discussed above, the NRC held a public meeting of the Fukushima Joint Steering Committee meeting on August 25, 2016, where the NRC discussed the framework for the ongoing assessment of natural hazards information, described in Enclosure 2 of SECY-16-0144, with external stakeholders ~~during a Fukushima Joint Steering Committee meeting~~ (ADAMS Accession No. ML16252A221).

On September 22, 2016, the NRC issued a document titled, "White Paper for Staff Assessment of Fukushima Lessons Learned Associated with Other Natural Hazards, Periodic Confirmation of Natural Hazards, and Real-Time Radiation Monitoring" (ADAMS Accession No. ML16230A384). The NRC staff briefed the ACRS Subcommittee on Fukushima on October 19, 2016, and the ACRS Full Committee on November, 30, 2016, on ~~its assessment of other natural hazards, ongoing assessments of natural hazards information, and real-time radiation monitoring~~ the topics covered in the white paper.

#### IV. Conclusion

For the reasons cited in this document, the NRC is denying PRM-50-99. As explained above, the petition relied upon R2.2 of the NRC's ~~P~~post-Fukushima Near-Term Task Force report, and did not present any significant new information or

arguments. Accordingly, for the same reasons that R2.2 did not warrant an amendment to the NRC's regulations, the petition does not warrant an amendment to the NRC's regulations.

Dated at Rockville, Maryland, this    day of,    2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,  
Secretary of the Commission.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Commissioner Caputo

SUBJECT: SECY-18-0102: Denial of Petition for Rulemaking to Require Licensees to Confirm Seismic Hazards and Flooding Hazards Every 10 Years and Address Any New and Significant Information (PRM-50-99; NRC-2011-0189)


Approved X Disapproved  Abstain  Not Participating

Comments: Below X Attached X None

Approved, subject to the attached edits.

Entered in STARS

Yes X  
No

  
\_\_\_\_\_  
SIGNATURE  
1/2/2019  
\_\_\_\_\_  
DATE

**AXC Comments:**

Enclosure 2 to SECY-16-0144 describes a graded approach that will permit the NRC to proactively and systematically seek, evaluate, and respond to new information on natural hazards. In its SRM on the subject paper, the Commission approved the staff's recommendations for the development of the process enhancements describe in Enclosure 2. The staff is currently implementing the process enhancements and is on schedule to meet the Commission-identified completion date of October 2019. Based on prior Commission actions and the enhancements to existing processes directly related to the subject petition for rulemaking, I approve the denial of the petition for rulemaking and approve the staff publication of the Federal Register notice denying PRM-50-99, subject to the attached edits.

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 50, 52, and 100**

**[Docket No. PRM-50-99; NRC-2011-0189]**

**Enhancing Reactor Safety Petition for Rulemaking**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated July 26, 2011, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner). The petitioner requested that the NRC amend its regulations to require nuclear facilities to confirm seismic and flooding hazards every 10 years and to address any new and significant information. The petition was docketed by the NRC on August 4, 2011, and was assigned Docket No. PRM 50-99. The NRC did not request public comment on this petition because the staff had sufficient information to review the issues raised in the PRM. The NRC is denying the petition because the NRC is addressing the issues raised in the petition using an approach other than rulemaking.

**DATES:** The docket for PRM-50-99 is closed on **INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER**.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0189 when contacting the NRC about the availability of information for this action. You may obtain publicly-available

information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0189. Address questions about NRC rulemaking dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-3781; e-mail: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov), or Joseph Sebrosky, Office of Nuclear Reactor Regulation, telephone: 301-415-1132; e-mail: [Joseph.Sebrosky@nrc.gov](mailto:Joseph.Sebrosky@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**



## I. The Petition

Section 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Petition for rulemaking—requirements for filing,” provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On July 26, 2011, the NRC received a PRM from the NRDC. The petitioner requested that the NRC amend its regulations to require nuclear facilities licensed under 10 CFR Parts 50, 52, and 100, and other applicable regulations, to confirm seismic hazards and flooding hazards every 10 years and to address any new and significant information, which would include, if necessary, updating the design basis for structures, systems, and components (SSCs) important to safety to protect against the updated hazards.

The petitioner cited Recommendation 2.2 (R2.2) of Section 4.1.1 of the NRC’s Post-Fukushima Near-Term Task Force report (ADAMS Accession No. ML11186A950) as the rationale and bases for the PRM, which recommended that licensees address any new and significant information and, if necessary, take actions that could include updating the design basis for SSCs important to safety to protect against the updated hazards.

On September 20, 2011 (76 FR 58165), the NRC published a notice of docketing for several PRMs from the NRDC in the *Federal Register*, which included Docket No. PRM–50–99 (Seismic Hazards and Flooding Hazards)<sup>1</sup>. The only PRM being addressed in this *Federal Register* notice is PRM 50-99.

---

<sup>1</sup> The notice also provided Docket Nos. PRM 50-97 (Emergency Preparedness Enhancements for Prolonged Station Blackouts), PRM 50-98 (Emergency Preparedness Enhancements for Multiunit Events), PRM 50-100 (Spent Nuclear Fuel Pool Safety), PRM 50-101 (Station Blackout Mitigation), and PRM 50-102 (Training on Severe Accident Mitigation [sic] Guidelines). The staff reviewed the other PRMs separately as part of the Mitigation of Beyond-Design-Basis Events draft final rule (see SECY-16-0142, dated December 15, 2016 (ADAMS Accession No. ML16291A186)). This draft final rule is currently with the Commission for review.

## II. Reasons for Denial

The NRC is denying the petition because the staff concluded in SECY-15-0137, “Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations,” Enclosure 2 (ADAMS Accession No. ML15254A006) that the NRC can meet the intent of R2.2 (which is the issue raised in the petition) using an approach other than rulemaking. In the staff requirements memorandum (SRM) for SECY-15-0137, dated February 8, 2016 (ADAMS Accession No. ML16039A175), the Commission approved the staff’s proposed closure plans, and thereby approved the staff’s plans to use an enhanced process—other than rulemaking—to identify and evaluate new information related to external hazards.

Subsequently, in “Recommendation 2.2: Plan to Ensure Ongoing Assessment of Natural Hazards Information” (ADAMS Accession No. ML16286A569), Enclosure 2 of SECY-16-0144, “Proposed Resolution of Remaining Tier 2 and 3 Recommendations Resulting from the Fukushima Dai-ichi Accident.” (ADAMS Accession No. ML16286A552), the staff provided the Commission with additional details regarding the staff’s plan to enhance existing processes to ensure the ongoing assessment of new information and reconfirmation of natural hazards in a manner consistent with R2.2. As noted in Enclosure 2, while R2.2 focused on seismic and flooding hazards, the proposed framework is intended to accommodate a range of natural hazards (e.g., seismic; flooding; and extreme weather, such as high winds). In the SRM associated with SECY-16-0144, dated May 3, 2017 (ADAMS Accession No. ML17123A453), the Commission approved the staff’s recommendations for the development of the process enhancements described in Enclosure 2 to SECY-16-0144.

The staff is implementing the process enhancements described in Enclosure 2 of SECY-16-0144 via a process that the staff subsequently identified as the "Process for Ongoing Assessment of Natural Hazard Information" (POANHI). The staff's implementation of these process enhancements is ongoing. A cross-agency team has been formed to implement the POANHI. The team is developing procedures and has begun testing and populating the Natural Hazards Information Digest. The Commission-identified completion and implementation date for POANHI is October 2019.

In summary, the NRC is denying the petition because the staff is addressing the issue raised in the petition through the enhancement of existing NRC processes and the development of associated staff procedures to ensure that the staff proactively and routinely aggregates and assesses new information related to natural hazards (including, but not limited to, seismic and flooding hazards). The Commission-approved approach for ensuring the ongoing, routine, proactive, and systematic assessment of natural hazards information is outlined in SECY-15-0137 and SECY-16-0144 (ADAMS Accession Nos. ML15254A00616039A175 and ML16286A55286, respectively) and associated staff requirements memorandums dated February 8, 2016, and May 3, 2017 (ADAMS Accession Nos. ML16039A175 and ML17123A453, respectively).

### **III. Stakeholder Interactions**

The NRC held several public meetings to solicit input from stakeholders during the development of SECY-15-0137. This included a public meeting held on October 6, 2015, in which the NRC staff provided the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Fukushima with an overview of the staff's plans to

resolve all open Near-Term Task Force Tier 2 and 3 recommendations. The staff also discussed these plans with the ACRS Full Committee on November 5, 2015. In addition, the staff provided an overview of its proposed resolution plans for all of the open Tier 2 and 3 recommendations during a Category 2 public meeting held on October 20, 2015. Further, the staff briefed the Commission on the status of Tier 2 and 3 activities during public meetings held on November 17, 2015, and May 17, 2016.

In addition to the meetings discussed above, the NRC held a public meeting of the Fukushima Joint Steering Committee on August 25, 2016, where the NRC discussed the framework for the ongoing assessment of natural hazards information, described in Enclosure 2 of SECY-16-0144, with external stakeholders during a Fukushima Joint Steering Committee meeting (ADAMS Accession No. ML16252A221).

On September 22, 2016, the NRC issued a document titled, "White Paper for Staff Assessment of Fukushima Lessons Learned Associated with Other Natural Hazards, Periodic Confirmation of Natural Hazards, and Real-Time Radiation Monitoring" (ADAMS Accession No. ML16230A384). The NRC staff briefed the ACRS Subcommittee on Fukushima on October 19, 2016, and the ACRS Full Committee on November, 30, 2016, on the topics covered in the white paperits assessment of other natural hazards, ongoing assessments of natural hazards information, and real-time radiation monitoring.

#### **IV. Conclusion**

For the reasons cited in this document, the NRC is denying PRM-50-99. As explained above, the petition relied upon R2.2 of the NRC's Post-Fukushima Near-Term Task Force report which is being addressed using an approach other than rulemaking.

~~PRM-50-99, and~~ did not present any significant new information or arguments.

~~Accordingly, for the same reasons that R2.2 did not warrant an amendment to the NRC's regulations, the petition does not warrant an amendment to the NRC's regulations.~~

Dated at Rockville, Maryland, this    day of,    2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,  
Secretary of the Commission.

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** Commissioner Wright

**SUBJECT:** **SECY-18-0102: Denial of Petition for Rulemaking to Require Licensees to Confirm Seismic Hazards and Flooding Hazards Every 10 Years and Address Any New and Significant Information (PRM-50-99; NRC-2011-0189)**

Approved  X  Disapproved \_\_\_ Abstain \_\_\_ Not Participating \_\_\_

Comments: Below  X  Attached  X  None \_\_\_

I approve the staff's recommendation that the Commission deny the petition for rulemaking (PRM)-50-99 submitted by the Natural Resources Defense Council (NRDC). In the PRM, the NRDC requests that the NRC amend its regulations to require holders of operating licenses for nuclear power plants to confirm seismic and flooding hazards every 10 years and address any new and significant information. I agree that it is not necessary to grant the PRM because in SRM-SECY-15-0137 and SRM-SECY-16-0144 the Commission approved a non-rulemaking approach that addresses the petitioner's concerns. I also approve the publication of the *Federal Register* notice denying PRM-50-99, subject to the attached edits.

**Entered in STARS**

Yes  ✓   
No \_\_\_\_\_

Catherine Kanatas for DAW   
**SIGNATURE**

11/2/19   
**DATE**

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Parts 50, 52, and 100**

**[Docket No. PRM-50-99; NRC-2011-0189]**

**Enhancing Reactor Safety Petition for Rulemaking**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; denial.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated July 26, 2011, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner). The petitioner requested that the NRC amend its regulations to require nuclear facilities to confirm seismic and flooding hazards every 10 years and to address any new and significant information. The petition was docketed by the NRC on August 4, 2011, and was assigned Docket No. PRM 50-99. The NRC did not request public comment on this petition because the staff had sufficient information to review the issues raised in the PRM. The NRC is denying the petition because the NRC is addressing the issues raised in the petition using an approach other than rulemaking.

**DATES:** The docket for PRM-50-99 is closed on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0189 when contacting the NRC about the availability of information for this action. You may obtain publicly-available

information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0189. Address questions about NRC rulemaking dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that it is mentioned in the SUPPLEMENTARY INFORMATION section.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-3781; e-mail: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov), or Joseph Sebrosky, Office of Nuclear Reactor Regulation, telephone: 301-415-1132; e-mail: [Joseph.Sebrosky@nrc.gov](mailto:Joseph.Sebrosky@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**



## I. The Petition

Section 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Petition for rulemaking—requirements for filing,” provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. On July 26, 2011, the NRC received a PRM from the NRDC. The petitioner requested that the NRC amend its regulations to require nuclear facilities licensed under 10 CFR Parts 50, 52, and 100, and other applicable regulations, to confirm seismic hazards and flooding hazards every 10 years and to address any new and significant information, which would include, if necessary, updating the design basis for structures, systems, and components (SSCs) important to safety to protect against the updated hazards.

The petitioner cited Recommendation 2.2 (R2.2) of Section 4.1.1 of the NRC’s ~~Postpost~~-Fukushima Near-Term Task Force report (ADAMS Accession No. ML11186A950) as the rationale and ~~bases-basis~~ for the PRM. ~~R2.2, which~~ recommended that licensees address any new and significant information and, if necessary, take actions that could include updating the design basis for SSCs important to safety to protect against the updated hazards.

On September 20, 2011 (76 FR 58165), the NRC published a notice of docketing for several PRMs from the NRDC in the *Federal Register*, which included Docket No. PRM–50–99 (Seismic Hazards and Flooding Hazards)<sup>1</sup>. The only PRM being addressed in this *Federal Register* notice is PRM 50-99.

---

<sup>1</sup> The notice also provided Docket Nos. PRM 50-97 (Emergency Preparedness Enhancements for Prolonged Station Blackouts), PRM 50-98 (Emergency Preparedness Enhancements for Multiunit Events), PRM 50-100 (Spent Nuclear Fuel Pool Safety), PRM 50-101 (Station Blackout Mitigation), and PRM 50-102 (Training on Severe Accident Mitigation [sic] Guidelines). The staff reviewed the other PRMs separately as part of the Mitigation of Beyond-Design-Basis Events draft final rule (see SECY-16-0142, dated December 15, 2016 (ADAMS Accession No. ML16291A186)). ~~This draft final rule is currently with the Commission for review.~~

## II. Reasons for Denial

The NRC is denying the petition because the staff concluded in SECY-15-0137, “Proposed Plans for Resolving Open Fukushima Tier 2 and 3 Recommendations,” Enclosure 2 (ADAMS Accession No. ML15254A006) that the NRC can meet the intent of R2.2 (which is the issue raised in the petition) using an approach other than rulemaking. In the staff requirements memorandum (SRM) for SECY-15-0137, dated February 8, 2016 (ADAMS Accession No. ML16039A175), the Commission approved the staff’s proposed closure plans, ~~and thereby approved~~ including the staff’s plans to use an enhanced process—other than rulemaking—to identify and evaluate new information related to external hazards.

Subsequently, in “Recommendation 2.2: Plan to Ensure Ongoing Assessment of Natural Hazards Information” (ADAMS Accession No. ML16286A569), Enclosure 2 of SECY-16-0144, “Proposed Resolution of Remaining Tier 2 and 3 Recommendations Resulting from the Fukushima Dai-ichi Accident.” ~~”~~ (ADAMS Accession No. ML16286A552), the staff provided the Commission with additional details regarding the staff’s plan to enhance existing processes to ensure the ongoing assessment of new information and reconfirmation of natural hazards at nuclear plants in a manner consistent with R2.2. As noted in Enclosure 2, while R2.2 focused on seismic and flooding hazards, the proposed framework is intended to accommodate a range of natural hazards, including earthquakes, (e.g., seismic; flooding; and extreme weather, such as high winds). In the SRM associated with SECY-16-0144, dated May 3, 2017 (ADAMS Accession No. ML17123A453), the Commission approved the staff’s recommendations for the development of these se process enhancements ~~described in Enclosure 2 to SECY-16-0144.~~

The staff is implementing the process enhancements described in Enclosure 2 of SECY-16-0144 via a process that the staff subsequently identified as the "Process for Ongoing Assessment of Natural Hazard Information" (POANHI). The staff's implementation of these process enhancements is ongoing. A cross-agency team has been formed to implement the POANHI. The team is developing procedures and has begun testing and populating the Natural Hazards Information Digest. The ~~Commission-identified~~ completion and implementation date for POANHI is October 2019.

In summary, the NRC is denying the petition because the staff is addressing the issue raised in the petition through the enhancement of existing NRC processes and the development of associated staff procedures to ensure that the staff proactively and routinely aggregates and assesses new information related to natural hazards (including, but not limited to, seismic and flooding hazards). The Commission-approved approach for ensuring the ongoing, routine, proactive, and systematic assessment of natural hazards information is ~~outlined-described~~ in SECY-15-0137 and SECY-16-0144 (ADAMS Accession Nos. ML16039A175 and ML16286A586, respectively) and associated staff requirements memorandums dated February 8, 2016, and May 3, 2017 (ADAMS Accession Nos. ML16039A175 and ML17123A453, respectively).

### III. Stakeholder Interactions

The NRC held several public meetings to solicit input from stakeholders during the development of SECY-15-0137. This included a public meeting held on October 6, 2015, in which the NRC staff provided the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Fukushima with an overview of the staff's plans to

resolve all open Near-Term Task Force Tier 2 and 3 recommendations. The staff also discussed these plans with the ACRS Full Committee on November 5, 2015. In addition, the staff provided an overview of its proposed resolution plans for all of the open Tier 2 and 3 recommendations during a Category 2 public meeting held on October 20, 2015. Further, the staff briefed the Commission on the status of Tier 2 and 3 activities during public meetings held on November 17, 2015, and May 17, 2016.

In addition to the meetings discussed above, the NRC held a public meeting of the Fukushima Joint Steering Committee on August 25, 2016, ~~where during which~~ the NRC discussed with external stakeholders the framework for the ongoing assessment of natural hazards information, described in Enclosure 2 of SECY-16-0144, ~~with external stakeholders during a Fukushima Joint Steering Committee meeting~~ (ADAMS Accession No. ML16252A221).

On September 22, 2016, the NRC issued a document titled, "White Paper for Staff Assessment of Fukushima Lessons Learned Associated with Other Natural Hazards, Periodic Confirmation of Natural Hazards, and Real-Time Radiation Monitoring" (ADAMS Accession No. ML16230A384). The NRC staff briefed the ACRS Subcommittee on Fukushima on October 19, 2016, and the ACRS Full Committee on November, 30, 2016, on ~~its assessment of other natural hazards, ongoing assessments of natural hazards information, and real-time radiation monitoring~~ the topics covered in the white paper.

#### IV. Conclusion

For the reasons cited in this document, the NRC is denying PRM-50-99. As explained above, the petition relied upon R2.2 of the NRC's Postpost-Fukushima Near-

Term Task Force report, and did not present any significant new information or arguments. Accordingly, for the same reasons that R2.2 did not warrant an amendment to the NRC's regulations, the petition does not warrant an amendment to the NRC's regulations.

Dated at Rockville, Maryland, this    day of,    2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,  
Secretary of the Commission.

SUBJECT: DENIAL OF PETITION FOR RULEMAKING TO REQUIRE LICENSEES TO CONFIRM SEISMIC HAZARDS AND FLOODING HAZARDS EVERY 10 YEARS AND ADDRESS ANY NEW AND SIGNIFICANT INFORMATION (PRM-50-99; NRC-2011-0189) **DATED:**

**DISTRIBUTION:**

PRMB r/f  
RAD/ADM r/f  
RidsNmssDrm

SSahle  
GLappert  
RidsNmssOd

RidsEdoMailCenter  
RidsOgcMailCenter  
MKhanna

**ADAMS Accession Nos:** ML18094A390 (Pkg.); ML18094A423: (Letter); ML 18094A422 (FRN); ML18094A425 (SECY) \*via e-mail

<b>OFFICE</b>	NMSS/DRM/RRPB/PM	NMSS/DRM/RRPB/RS	NMSS/DRM/RRPB/BC	NRO/DLSE/BC
<b>NAME</b>	SSahle	GLappert	MKhanna	SDevlin-Gill
<b>DATE</b>	04/20/2018	04/11/2018	05/17/2018	05/04/2018
<b>OFFICE</b>	NRR/DLP/PBMB	NMSS/DRM/RASB/BC*	NMSS/DRM	NRO/DLSE/D
<b>NAME</b>	MShams	Cbladey (JShepherd for)	PHolahan	ACampbell
<b>DATE</b>	05/08/2018	05/08/2018	05/29/2018	06/08/2018
<b>OFFICE</b>	NRR/DLP/D	NRR/D	EDO	SECY
<b>NAME</b>	LLund (MJRoss-Lee for)	HNieh	MDoane	AVietti-Cook
<b>DATE</b>	06/01/2018	09/20 /2018	09 /2018	

**OFFICIAL RECORD COPY**