

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-75; NRC-2002-0018]

Large Break Loss-of-Coolant Accident Redefinition

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; denial.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking dated February 6, 2002, submitted by Anthony R. Pietrangelo on behalf of the Nuclear Energy Institute, due to the discontinuation of the associated rulemaking.

DATES: As of **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, the docket for PRM-50-75 is closed.

ADDRESSES: Please refer to Docket ID NRC-2002-0018 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2002-0018. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: 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 <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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 pdresource@nrc.gov. The ADAMS accession number for each document referenced (if it 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: Yanely Malave, telephone: 301-415-1519; e-mail: Yanely.Malave@nrc.gov; or Robert Beall, telephone: 301-415-3874; e-mail: Robert.Beall@nrc.gov. Both are staff of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Background

Title 10 of the *Code of Federal Regulations* (10 CFR) 2.802, "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 February 6, 2002, Anthony R. Pietrangelo, on behalf of the Nuclear Energy Institute (petitioner), submitted a petition for rulemaking requesting the NRC amend its regulations to allow licensees to use an alternative to the double-ended guillotine break of the largest pipe in the reactor coolant system in emergency core cooling system evaluation models (ADAMS Accession No. ML082460625). The NRC docketed the petition as PRM-50-75, and on April 8, 2002, published a notice of docketing in the *Federal Register* and requested public comment (67 FR 16654). The comment period closed on June 24, 2002, and the NRC received 18 comment letters (ADAMS Accession No. ML022390515).

After evaluating the merits of the petition and the public comments, the NRC determined that the issues raised in PRM-50-75 would be considered in an ongoing 10 CFR 50.46a ECCS rulemaking. On November 6, 2008, the NRC published a document in the *Federal Register* (73 FR 66000) stating that the NRC would address the substantive comments filed in PRM-50-75 as part of that rulemaking.

II. Discussion

A. Discontinuation of the 10 CFR 50.46a ECCS Rulemaking

In the January 31, 2016, SECY-16-0009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities" (ADAMS Accession No. ML16028A189), the NRC staff requested Commission approval of work to be shed, deprioritized, or performed with fewer resources. One of the items to be shed (i.e.,

discontinued) was the 10 CFR 50.46a ECCS final rule (Item 1 of Enclosure 1 to SECY-16-0009).

Based on interactions with the nuclear industry, the NRC staff acknowledged that there were concerns with the potential implementation burden of the rule. The regulatory analysis for the draft 10 CFR 50.46a ECCS final rule (ADAMS Accession No. ML103230250) discussed the comments submitted by the Boiling Water Reactor Owners Group, which conveyed that it would be extremely difficult to evaluate the cost-benefit of the rule due to uncertainties about the true cost of adopting the 10 CFR 50.46a ECCS rule. Furthermore, at a public meeting to discuss the Risk Management Regulatory Framework paper (ADAMS Accession No. ML15026A328), certain industry representatives indicated that the nuclear industry would not be interested in implementing the final rule. As noted in SECY-16-0009, this rule would have been voluntary, so licensees could have chosen not to implement the requirements.

The Commission approved the discontinuation of the 10 CFR 50.46a ECCS rulemaking in the staff requirements memorandum (SRM) to SECY-16-0009. On October 6, 2016, the NRC published a document in the *Federal Register* informing the public of its decision to discontinue the 10 CFR 50.46a ECCS rulemaking. The NRC stated that it had “decided not to proceed with this rulemaking activity because there is minimal adverse impact on our mission, principles, or values and the industry has indicated that there may not be much interest in implementing the final rule” (81 FR 69447).

B. Denial of PRM-50-75

Under 10 CFR 2.803(i)(2), if the NRC determines not to complete a rulemaking, any associated petition for rulemaking is documented as denied. In SRM-SECY-16-

0009, the Commission approved discontinuation of the 10 CFR 50.46a ECCS rulemaking, which was the rulemaking identified to address PRM-50-75. Therefore, the NRC is denying PRM-50-75 without prejudice.

III. Conclusion

The NRC previously discontinued the 10 CFR 50.46a ECCS rulemaking and is therefore denying without prejudice associated PRM-50-75 for the reasons discussed in this document.

Dated at Rockville, Maryland, this day of 20XX.

For the Nuclear Regulatory Commission.

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