



SECRETARY

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

December 9, 2019

COMMISSION VOTING RECORD

DECISION ITEM: SECY-19-0092

TITLE: DENIAL OF PETITION FOR RULEMAKING (PRM-50-69;NRC-2000-0019) DUE TO DISCONTINUATION OF RULEMAKING MODIFICATIONS TO PRESSURE-TEMPERATURE LIMITS

The Commission acted on the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 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 black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

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

SECY NOTE: This Voting Record will be released to the public 5 working days after dispatch of the letter to the petitioner.

VOTING SUMMARY – SECY-19-0092

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	11/20/19
Cmr. Baran	X				X	10/22/19
Cmr. Caputo	X				X	11/21/19
Cmr. Wright	X				X	11/21/19

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

TO: Annette L. Vietti-Cook, Secretary  
FROM: CHAIRMAN SVINICKI  
SUBJECT: SECY-19-0092: Denial of Petition for Rulemaking  
(PRM-50-69;NRC-2000-0019) Due to Discontinuation  
of Rulemaking Modifications to Pressure-  
Temperature Limits

Approved XX Disapproved      Abstain      Not Participating     

COMMENTS: Below XX Attached XX None     

I approve publication of the *Federal Register* notice (FRN) denying the petition for rulemaking (PRM-50-69) and notifying the public that the rulemaking effort has been discontinued, subject to the edits in the attached version of the FRN. I also approve the draft letter, subject to the attached edits.

  
\_\_\_\_\_  
SIGNATURE

11/ 20 /19  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No

KLS Edits

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC-2008-0582, NRC-2000-0019]

RIN 3150-AG98

Modifications to Pressure-Temperature Limits

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Discontinuation of rulemaking activity and denial of petition for rulemaking.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is discontinuing the rulemaking activity, "Modifications to Pressure-Temperature Limits," and denying the associated petition for rulemaking, PRM-50-69. ~~The purpose of this action is to inform members of the public of the discontinuation of the rulemaking activity and the denial of the petition for rulemaking, and to provide a brief discussion of the NRC's decision. The NRC determined that its relevant past decisions and current policies are sufficient to protect the public health and safety in this area and that the potential benefits of proceeding with a rulemaking do not outweigh the associated costs.~~ The rulemaking activity will no longer be reported in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda).

**DATES:** Effective **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, the rulemaking activity discussed in this document is discontinued and PRM-50-69 is denied.

**ADDRESSES:** Please refer to Docket IDs NRC-2008-0582 (rulemaking activity) and NRC-2000-0019 (petition for rulemaking) 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 IDs NRC-2008-0582 (rulemaking activity) and NRC-2000-0019 (petition for rulemaking). Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual 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 or 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 it is available in ADAMS) is provided the first time that it is referenced.

- **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:** Ilka T. Berrios, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2404; e-mail: [Ilka.Berrios@nrc.gov](mailto:Ilka.Berrios@nrc.gov).

**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 November 4, 1999, Westinghouse Electric Company, LLC (petitioner) (ADAMS Accession No. [ML003683190](#)), submitted PRM-50-69, requesting that the NRC amend appendix G to 10 CFR part 50, by removing requirements related to the metal temperature of the closure head flange and vessel flange regions. Specifically, the petitioner requested that the agency remove footnotes (2) and (6) from Table 1 of appendix G to 10 CFR part 50. In response to this petition, the NRC initially determined that it would consider the issues raised in PRM-50-69 in an ongoing rulemaking to amend appendix G to 10 CFR part 50. On January 28, 2009, the NRC published a notice in the *Federal Register* ([74 FR 4911](#)), stating that the NRC will consider the issues raised in PRM-50-69 in the NRC’s rulemaking process, and closed Docket ID NRC 2000-0019 for PRM-50-69. That *Federal Register* notice also stated that if the ongoing work to establish the technical basis for this rulemaking does-did not support the issuance of a proposed rule, the NRC would issue a supplemental *Federal Register*

notice that addresses~~d~~ why the NRC did not adopt the petitioner's requested rulemaking changes.

## II. Discussion

### A. Discontinuation of Rulemaking to Amend Appendix G to 10 CFR Part 50

In SECY-16-0009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," dated January 31, 2016 (ADAMS Accession No. [ML16028A189](#)), the staff requested Commission approval to implement recommendations on work to be shed, deprioritized, or performed with fewer resources. One of the items identified to be shed (i.e., discontinued) was the development of a technical basis for the rulemaking effort, "Modifications to Pressure-Temperature Limits" (appendix G rulemaking, Item 50 of Enclosure 1 to SECY-16-0009).

During the development of the regulatory basis for a rulemaking to amend appendix G to 10 CFR part 50, the staff determined that ~~not completing discontinuation of~~ this rulemaking would have a minimal adverse impact on the NRC's mission, principles, or values. In addition, the research did not establish any new information that would serve as the technical basis to revise appendix G to 10 CFR part 50, and the staff found that the current regulations in appendix G to 10 CFR part 50 assure safety.

The Commission approved the discontinuation of this rulemaking effort in staff requirements memorandum (SRM)-SECY-16-0009, "Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," dated April 13, 2016 (ADAMS Accession No. [ML16104A158](#)).

Prior to ~~the~~ discontinuation of the ~~A~~appendix G rulemaking effort, the ~~NRC~~ staff evaluated the technical merits of the petition and concluded that the technical basis for

the proposal, as described in the petition, was insufficient to serve as the technical basis for an Appendix G rulemaking. ~~Independent from the petition, the NRC previously granted two plant-specific exemptions under 10 CFR 50.12, "Specific exemptions" (ADAMS Accession Nos. ML041940552 and ML061890003) that address the regulatory requirements discussed in the petition. Notwithstanding the lack of technical merit from a generic perspective, licensees could pursue plant-specific exemptions from the requirements in accordance with 10 CFR 50.12.~~

#### B. Denial of Petition for Rulemaking, PRM-50-69

~~As required by~~ Under 10 CFR 2.803(i)(2), if the NRC decides not to complete a rulemaking, any associated petition for rulemaking is documented as denied. In SRM-SECY-16-0009, the Commission approved ~~to discontinu~~ation of e rulemaking efforts on the appendix G rulemaking, as discussed above, which was the rulemaking identified to address PRM-50-69. Therefore, the staff is denying the associated petition, PRM-50-69, for the same reasons that the appendix G rulemaking was discontinued.

### III. Conclusion

The NRC ~~is discontinuing previously terminated~~ the appendix G ~~to 10 CFR part 50~~-rulemaking and is denying associated PRM-50-69 for the reasons discussed in this document. The NRC determined that ~~there was insufficient new information to warrant the requested changes in light of the NRC's relevant past decisions and current policies research had not established any new information that would serve as the technical basis to revise appendix G to 10 CFR part 50.~~ In the next edition of the Unified Agenda, the NRC will update the entry for the rulemaking activity and reference this document to



indicate that the rulemaking is no longer being pursued. The rulemaking activity will appear in the completed actions section of that edition of the Unified Agenda (i.e., it will not appear in future editions). ~~If the NRC decides to pursue a similar or related rulemaking activity in the future, it will inform the public through a new rulemaking entry in the Unified Agenda.~~

Dated at Rockville, Maryland, this      day of  
2019.

For the Nuclear Regulatory Commission.

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

KLS Edits

Camille Zozula, Manager  
Infrastructure & Facilities Licensing  
Westinghouse Electric Company LLC  
1000 Westinghouse Drive  
Cranberry Township, Pennsylvania 16066.

Dear Ms. Zozula:

I am responding to the [petition for rulemaking](#) (PRM) dated November 4, 1999 (Agencywide Document Access and Management System (ADAMS) Accession No. [ML003683190](#)), that was submitted on behalf of Westinghouse Electric Company LLC (Westinghouse), to the U.S. Nuclear Regulatory Commission (NRC). The petition was docketed as PRM-50-69 and requested that the NRC amend its regulations at Title 10 of the *Code of Federal Regulations* Part 50, Appendix G – Fracture Toughness Requirements. Specifically, the PRM requested the removal of footnotes (2) and (6) from Table 1 – Pressure and Temperature Requirements for the Reactor Pressure Vessel. This would eliminate minimum temperature requirements for the closure head flange and vessel flange regions. ~~In response to this petition, the NRC determined that the issues raised in PRM-50-69 would be considered in the ongoing rulemaking effort entitled, “Modifications to Pressure Temperature Limits” (Appendix G rulemaking).~~

In response to this petition, the NRC initially determined that the issues raised in PRM-50-69 would be considered in the ongoing rulemaking effort entitled, “Modifications to Pressure Temperature Limits” (Appendix G rulemaking) and published a *Federal Register* notice (74 FR 4911) on January 28, 2009 to this effect. On January 28, 2009, the NRC published a *Federal Register* notice (74 FR 4911) stating that the NRC would consider the issues raised in PRM-50-69 in an ongoing rulemaking to revise Appendix G. The notice also stated that if the ongoing work to establish a technical basis for the rulemaking did not support the issuance of a proposed rule, the NRC would issue a supplemental *Federal Register* notice that addresses why the NRC did not adopt the petitioner’s requested rulemaking changes. In a January 2, 2009, letter (ADAMS Accession No. [ML083040153](#)), the NRC notified Westinghouse of this action.

In staff requirements memorandum (SRM)-SECY-16-0009, “Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,” dated April 13, 2016 (ADAMS Accession No. [ML16104A158](#)), the Commission approved the staff’s recommendation to discontinuation of the Appendix G rulemaking effort, which addressed PRM-50-69, as discussed above. As explained in SECY-16-0009, “Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,” dated January 31, 2016 (ADAMS Accession No. [ML16028A208](#)), the NRC determined that the research has not established anywhere is insufficient new information that would serve as the technical basis to revise 10 CFR Part 50, Appendix G in light of the NRC’s relevant past decisions and current policies. Therefore, the Commission is denying PRM-50-69 in accordance with 10 CFR 2.803(i)(2). For additional information, please see the enclosed *Federal Register* notice.

**Commented [A1]:** Add hyperlink to be consistent with other ML numbers provided.

Sincerely,

Annette L. Vietti-Cook,  
Secretary of the Commission

Enclosure:  
*Federal Register* Notice

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette L. Vietti-Cook, Secretary  
**FROM:** Commissioner Baran  
**SUBJECT:** SECY-19-0092: Denial of Petition for Rulemaking (PRM-50-69; NRC-2000-0019) Due to Discontinuation of Rulemaking Modifications to Pressure-Temperature Limits


Approved  Disapproved  Abstain  Not Participating

**COMMENTS:** Below  Attached  None

As part of the Project Aim re-baselining effort, the Commission approved discontinuing a rulemaking to amend the reactor pressure vessel closure head flange temperature requirements. Although the Project Aim re-baselining paper did not specifically discuss the related Westinghouse petition for rulemaking, I agree with the NRC staff that it makes sense to formally deny that petition at this time. I approve publication of the *Federal Register* notice announcing this decision, subject to the attached edits. I also approve the letter to Westinghouse, subject to the attached edits.

**Entered in "STARS"**

Yes   
No

  
\_\_\_\_\_  
**SIGNATURE**  
10/22/19  
\_\_\_\_\_  
**DATE**

JMB edits

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 50**

**[NRC-2008-0582, NRC-2000-0019]**

**RIN 3150-AG98**

**Modifications to Pressure-Temperature Limits**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Discontinuation of rulemaking activity and denial of petition for rulemaking.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is discontinuing the rulemaking activity, "Modifications to Pressure-Temperature Limits," and denying the associated petition for rulemaking, PRM-50-69. The NRC determined there was not a sufficient technical basis to proceed with a rulemaking. ~~The purpose of this action is to inform members of the public of the discontinuation of the rulemaking activity and the denial of the petition for rulemaking, and to provide a brief discussion of the NRC's decision. The rulemaking activity will no longer be reported in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda).~~

**DATES:** Effective **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, the rulemaking activity discussed in this document is discontinued and PRM-50-69 is denied.

**FOR FURTHER INFORMATION CONTACT:** Ilka T. Berrios, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2404; e-mail: [Ilka.Berrios@nrc.gov](mailto:Ilka.Berrios@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

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## II. Discussion

### A. Discontinuation of Rulemaking to Amend Appendix G to 10 CFR Part 50

In SECY-16-0009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," dated January 31, 2016 (ADAMS Accession No. [ML16028A189](#)), the staff requested Commission approval ~~of to implement recommendations on~~ work to be shed, deprioritized, or performed with fewer resources. One of the items identified to be shed (i.e., discontinued) was the development of a technical basis for the rulemaking effort, "Modifications to Pressure-Temperature Limits" (appendix G rulemaking, Item 50 of Enclosure 1 to SECY-16-0009).

During the development of the regulatory basis for a rulemaking to amend appendix G to 10 CFR part 50, the staff determined that ~~not~~ completing this rulemaking was not necessary because the current regulations in Appendix G provide adequate protection of public health and safety ~~would have a minimal adverse impact on the NRC's mission, principles, or values.~~ In addition, the research did not establish any new information that would serve as the technical basis to revise appendix G to 10 CFR part 50, ~~and the staff found that the current regulations in appendix G to 10 CFR part 50 assure safety.~~

The Commission approved the discontinuation of this rulemaking effort in staff requirements memorandum (SRM)-SECY-16-0009, "Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," dated April 13, 2016 (ADAMS Accession No. [ML16104A158](#)).

Prior to ~~the~~ discontinuation of the Appendix G rulemaking effort, the NRC staff evaluated the technical merits of the petition and concluded that the technical basis for the proposal, as described in the petition, was insufficient to serve as the technical basis for an Appendix G rulemaking. ~~Independent from the petition, the NRC previously granted two plant-specific exemptions under 10 CFR 50.12, "Specific exemptions" (ADAMS Accession Nos. ML041940552 and ML061890003) that address the regulatory requirements discussed in the petition. Notwithstanding the lack of technical merit from a generic perspective, licensees could pursue plant-specific exemptions from the requirements in accordance with 10 CFR 50.12.~~

#### B. Denial of Petition for Rulemaking, PRM-50-69

~~As required by~~ Under 10 CFR 2.803(i)(2), if the NRC decides not to complete a rulemaking, any associated petition for rulemaking is documented as denied. In SRM-SECY-16-0009, the Commission approved termination of ~~to discontinue rulemaking efforts on~~ the appendix G rulemaking, as discussed above, which was the rulemaking identified to address PRM-50-69. Therefore, the staff is denying the associated petition, PRM-50-69, for the same reasons that the appendix G rulemaking was discontinued.

### III. Conclusion

The NRC is discontinuing the appendix G to ~~10 CFR part 50~~ rulemaking and is denying PRM-50-69 for the reasons discussed in this document. The NRC determined that the research had not established any new information that would serve as the technical basis to revise appendix G to 10 CFR part 50. In the next edition of the Unified Agenda, the NRC will update the entry for the rulemaking activity and reference this



document to indicate that the rulemaking is no longer being pursued. The rulemaking activity will appear in the completed actions section of that edition of the Unified Agenda (i.e., it will not appear in future editions). ~~If the NRC decides to pursue a similar or related rulemaking activity in the future, it will inform the public through a new rulemaking entry in the Unified Agenda.~~

Dated at Rockville, Maryland, this      day of  
2019.

For the Nuclear Regulatory Commission.

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

JMB Edits

Camille Zozula, Manager  
Infrastructure & Facilities Licensing  
Westinghouse Electric Company LLC  
1000 Westinghouse Drive  
Cranberry Township, Pennsylvania 16066.

Dear Ms. Zozula:

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In staff requirements memorandum (SRM)-SECY-16-0009, “Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,” dated April 13, 2016 (ADAMS Accession No. [ML16104A158](#)), the Commission approved the staff’s recommendation to discontinuation of the Appendix G rulemaking effort, which addressed PRM-50-69, as discussed above. As explained in SECY-16-0009, “Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,” dated January 31, 2016 (ADAMS Accession No. [ML16028A208](#)), the NRC determined that there is an insufficient ~~the research has not established any new information that would serve as the technical basis for a rulemaking~~ to revise 10 CFR Part 50, Appendix G. Therefore, the Commission is denying PRM-50-69 in accordance with 10 CFR 2.803(i)(2). For additional information, please see the enclosed *Federal Register* notice.

Sincerely,

Annette L. Vietti-Cook,  
Secretary of the Commission

Enclosure:  
*Federal Register* Notice

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette L. Vietti-Cook, Secretary  
**FROM:** Commissioner Caputo  
**SUBJECT:** SECY-19-0092: Denial of Petition for Rulemaking  
(PRM-50-69;NRC-2000-0019) Due to Discontinuation  
of Rulemaking Modifications to Pressure-  
Temperature Limits

Approved  Disapproved  Abstain  Not Participating

COMMENTS: Below  Attached  None

**Entered in STARS**

Yes

No

  
\_\_\_\_\_  
**Signature**

11/21/19  
\_\_\_\_\_  
**DATE**

Commissioner Caputo's Comments  
On SECY-19-0092  
Denial of Petition for Rulemaking (PRM-50-69; NRC-2000-0019)  
Due to Discontinuation of Rulemaking-  
Modifications to Pressure-Temperature Limits

In SECY-19-0092, the staff is requesting the Commission's approval to publish a Federal Register notice (FRN) denying a 1999 Petition for Rulemaking (PRM-50-69) and notifying the public that the rulemaking effort has been discontinued. Without question, the FRN should be published and I approve the staff's request. What I do question however, is why it took the staff 20 years and at least<sup>1</sup> \$ 3.5 million of research to reach this point in time.

PRM 50-69 was submitted on November 4, 1999.

In April 2003, the staff sent a letter to the petitioner stating in part, that the Office of Nuclear Regulatory Research (RES) was evaluating the need to revise other requirements in Part 50, Appendix G, including those related to PRM 50-69.

Five years later, in 2008, the staff initiated a rulemaking to revise the regulations in Part 50, Appendix G.

It wasn't until 10 years after PRM 50-69 was submitted, on January 28, 2009, that the NRC published an FRN stating that the issues raised in PRM 50-69 would be addressed in the Appendix G rulemaking.

From 2008 to 2016, staff worked to develop the technical basis to support the rulemaking. During that period, from FY10 to FY16, RES staff estimates that on average, 0.5 FTE and \$500K per year, or about \$3.5 Million, was expended to support the Appendix G rulemaking.

In SECY-16-0009, issued in January 2016, the staff requested Commission approval<sup>2</sup> to stop the development of the technical basis for the Appendix G rulemaking because it had been determined that research had not established any new information that would serve as the technical basis to revise Appendix G. The staff did not however remember that PRM 50-69 should be discontinued concurrently with the Appendix G rulemaking. Ultimately, this oversight lead to SECY-19-0092 to finally disposition the 20-year-old PRM.

I understand that the staff has now developed a centralized rulemaking activity-tracking tool which is expected to prevent any similar PRM50-69 oversights in the future, however in my opinion, that is only one of the enhancements that should be considered as lessons learned from this event.

I believe that we should consider enhancing our efforts to risk inform the rulemaking process. For example, if it takes 5 years to decide whether a rulemaking is necessary, perhaps it isn't. If it takes 4 years of research to determine that a rulemaking cannot be justified, perhaps we need to take a closer look at safety significance earlier in the process. As the EDO wrote in her second Strategy on a Page, *Modernize our decision making*, "We use risk insights to decide and guide the quality and level of effort appropriate for a given activity."

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<sup>1</sup> The staff does not have the historical records available to identify the expended resources (FTE and contract dollars) that were specifically dedicated to the Appendix G rulemaking/PRM efforts.

<sup>2</sup> The Commission approved the recommendation.

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

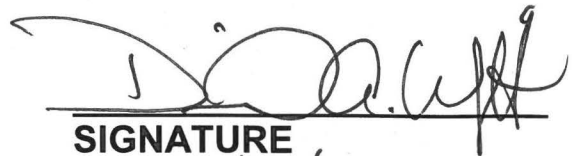
TO: Annette L. Vietti-Cook, Secretary  
FROM: Commissioner Wright  
SUBJECT: SECY-19-0092: Denial of Petition for Rulemaking  
(PRM-50-69; NRC-2000-0019) Due to Discontinuation  
of Rulemaking Modifications to Pressure-  
Temperature Limits

Approved  Disapproved  Abstain  Not Participating

COMMENTS: Below  Attached  None

I approve the staff's recommendation to deny PRM-50-69. I also approve publication of the *Federal Register* notice and the letter to Westinghouse, subject to the attached edits.

**Entered in STARS**  
Yes   
No

  
\_\_\_\_\_  
SIGNATURE  
11/21/19  
\_\_\_\_\_  
DATE

DAW Edits

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 50**

**[NRC-2008-0582, NRC-2000-0019]**

**RIN 3150-AG98**

**Modifications to Pressure-Temperature Limits**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Discontinuation of rulemaking activity and denial of petition for rulemaking.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is discontinuing the rulemaking activity, "Modifications to Pressure-Temperature Limits," and denying the associated petition for rulemaking, PRM-50-69. The purpose of this action is to inform members of the public of the discontinuation of the rulemaking activity and the denial of the petition for rulemaking, and to provide a brief discussion of the NRC's decision. The rulemaking activity will no longer be reported in the NRC's portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda).

**DATES:** Effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], the rulemaking activity discussed in this document is discontinued and PRM-50-69 is denied.

**ADDRESSES:** Please refer to Docket IDs NRC-2008-0582 (rulemaking activity) and NRC-2000-0019 (petition for rulemaking) 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 IDs NRC-2008-0582 (rulemaking activity) and NRC-2000-0019 (petition for rulemaking). Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual 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 or 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 it is available in ADAMS) is provided the first time that it is referenced.

- **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:** Ilka T. Berrios, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2404; e-mail: [Ilka.Berrios@nrc.gov](mailto:Ilka.Berrios@nrc.gov).



## 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 November 4, 1999, Westinghouse Electric Company, LLC (petitioner) (ADAMS Accession No. [ML003683190](#)), submitted PRM-50-69, requesting that the NRC amend appendix G to 10 CFR part 50, by removing requirements related to the metal temperature of the closure head flange and reactor vessel flange regions. Specifically, the petitioner requested that the agency remove footnotes (2) and (6) from Table 1 of appendix G to 10 CFR part 50. In response to this petition, the NRC determined that it would consider the issues raised in PRM-50-69 in an ongoing rulemaking to amend appendix G to 10 CFR part 50. On January 28, 2009, the NRC published a notice in the *Federal Register* ([74 FR 4911](#)), stating that the NRC will consider the issues raised in PRM-50-69 in the NRC's rulemaking process, and closed Docket ID NRC 2000-0019 for PRM-50-69. That *Federal Register* notice also stated that if the ongoing work to establish the technical basis for this rulemaking ~~does~~did not support the issuance of a proposed rule, the NRC would issue a supplemental *Federal Register* notice that ~~addresses~~addressed why the NRC did not adopt the petitioner's requested rulemaking changes.

### II. Discussion

A. Discontinuation of Rulemaking to Amend Appendix G to 10 CFR Part 50

In SECY-16-0009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," ~~dated~~ (January 31, 2016) (ADAMS Accession No. [ML16028A189](#)), the staff requested Commission approval to implement recommendations on work to be shed, deprioritized, or performed with fewer resources. One of the items identified to be shed (i.e., discontinued) was the development of a technical basis for the rulemaking effort, "Modifications to Pressure-Temperature Limits" (appendix G rulemaking, Item 50 of Enclosure 1 to SECY-16-0009).

During the development of the regulatory basis for a rulemaking to amend appendix G to 10 CFR part 50, the staff determined that ~~not completing discontinuation of~~ this rulemaking would have a minimal adverse impact on the NRC's mission, principles, or values. In addition, the research did not establish any ~~new~~ information that would serve as the technical basis to revise appendix G to 10 CFR part 50, and the staff found that the current regulations in appendix G to 10 CFR part 50 ~~assure safety provide~~ adequate protection of public health and safety.

The Commission approved the discontinuation of this rulemaking effort in staff requirements memorandum (SRM)-SECY-16-0009, "Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," (~~dated~~ April 13, 2016) (ADAMS Accession No. [ML16104A158](#)).

Prior to the discontinuation of the ~~Appendix~~ G rulemaking effort, the NRC staff evaluated the technical merits of the petition and concluded that the technical basis for the proposal, as described in the petition, was insufficient to serve as the technical basis for an Appendix G rulemaking. Independent from the petition, the NRC previously granted two plant-specific exemptions under 10 CFR 50.12, "Specific exemptions" (ADAMS Accession Nos. [ML041940552](#) and [ML061890003](#)) that address the regulatory

requirements discussed in the petition. Notwithstanding the lack of technical merit from a generic perspective, licensees could pursue plant-specific exemptions from the requirements in accordance with 10 CFR 50.12.

#### B. Denial of Petition for Rulemaking, PRM-50-69

~~As required by~~Under 10 CFR 2.803(i)(2), if the NRC decides not to complete a rulemaking, any associated petition for rulemaking is documented as denied. In SRM-SECY-16-0009, the Commission approved the staff's recommendation to discontinue ~~rulemaking efforts on~~ the appendix G rulemaking, ~~as discussed above~~, which was the rulemaking identified to address PRM-50-69. Therefore, the staff is denying the associated petition, PRM-50-69, for the same reasons that the appendix G rulemaking was discontinued.

### III. Conclusion

The NRC ~~is discontinuing previously terminated~~ the appendix G ~~to 10 CFR part 50~~ rulemaking and is denying PRM-50-69 for the reasons discussed in this document. The NRC has determined that ~~the~~ research ~~has~~ not established any ~~new~~ information that would serve as the technical basis to revise appendix G to 10 CFR part 50. In the next edition of the Unified Agenda, the NRC will update the entry for the rulemaking activity and reference this document to indicate that the rulemaking is no longer being pursued. The rulemaking activity will appear in the completed actions section of that edition of the Unified Agenda (i.e., it will not appear in future editions). If the NRC

decides to pursue a similar or related rulemaking activity in the future, it will inform the public through a new rulemaking entry in the Unified Agenda.

Dated at Rockville, Maryland, this      day of  
2019.

For the Nuclear Regulatory Commission.

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

DAW Edits

Camille Zozula, Manager  
Infrastructure & Facilities Licensing  
Westinghouse Electric Company LLC  
1000 Westinghouse Drive  
Cranberry Township, Pennsylvania 16066.

Dear Ms. Zozula:

I am responding to the petition for rulemaking (PRM) dated November 4, 1999 (Agencywide Document Access and Management System (ADAMS) Accession No. [ML003683190](#)), that was submitted on behalf of Westinghouse Electric Company LLC (Westinghouse), to the U.S. Nuclear Regulatory Commission (NRC). The petition was docketed as PRM-50-69 and requested that the NRC amend its regulations at Title 10 of the *Code of Federal Regulations* Part 50, Appendix G – Fracture Toughness Requirements. Specifically, the PRM requested the removal of footnotes (2) and (6) from Table 1 – Pressure and Temperature Requirements for the Reactor Pressure Vessel. This would eliminate minimum temperature requirements for the closure head flange regions and reactor vessel flange regions.

In response to this petition, the NRC initially determined that the issues raised in PRM-50-69 would be considered in the ongoing rulemaking effort entitled, “Modifications to Pressure-Temperature Limits” (Appendix G rulemaking) and published ~~On January 28, 2009, the NRC published a Federal Register notice (74 FR 4911) on January 28, 2009 to that effect stating that the NRC would consider the issues raised in PRM 50-69 in an ongoing rulemaking to revise Appendix G.~~ The notice also stated that if the ongoing work to establish a technical basis for the rulemaking did not support the issuance of a proposed rule, the NRC would issue a supplemental *Federal Register* notice that addressed ds why the NRC did not adopt the petitioner’s requested rulemaking changes. In a January 2, 2009, letter (ADAMS Accession No. [ML083040153](#)), the NRC notified Westinghouse of this action.

In staff requirements memorandum (SRM)-SECY-16-0009, “Staff Requirements – SECY-16-0009 – Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,” ~~(dated April 13, 2016)~~ (ADAMS Accession No. [ML16104A158](#)), the Commission approved the staff’s recommendation to discontinuation ~~discontinue of~~ the Appendix G rulemaking effort, ~~which addressed PRM 50-69, as discussed above.~~ As explained in SECY-16-0009, “Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities,” ~~(dated January 31, 2016)~~ (ADAMS Accession No. ML16028A208), the NRC determined that the research had ds not established any new information that would serve as the technical basis to revise 10 CFR Part 50, Appendix G. Therefore, the Commission is denying PRM-50-69 in accordance with 10 CFR 2.803(i)(2). For additional information, please see the enclosed *Federal Register* notice.

Sincerely,

Annette L. Vietti-Cook,  
Secretary of the Commission

Enclosure:

*Federal Register* Notice