

April 8, 2003

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Samuel J. Collins, Director */RA/*  
Office of Nuclear Reactor Regulation

SUBJECT: STATUS OF THE RESOLUTION OF PETITION FOR RULEMAKING,  
PRM 50-69

The purpose of this memorandum is to inform you of the staff's intent to resolve Petition for Rulemaking PRM 50-69 by committing resources to develop an appropriate technical basis to support a future rulemaking. This petition from Westinghouse Electric Company LLC (Westinghouse) requested that the Nuclear Regulatory Commission (NRC) amend its regulations in Appendix G to Title 10 of the Code of Federal Regulations Part 50 (Appendix G) to eliminate specific minimum temperature requirements related to reactor pressure vessel (RPV) flange material properties. These requirements are found in Column 4 of Table 1 in Appendix G and directly impact the development of operational RPV pressure-temperature limits at a number of nuclear power plants.

The Westinghouse petition was docketed on November 4, 1999, and Westinghouse topical report WCAP-15315, Revision 0, "Reactor Vessel Closure Head/Vessel Flange Requirements Evaluation for Operating PWR and BWR Plants," was provided as a proposed technical basis in support of the petition. The Westinghouse petition was published for public comment on February 8, 2000, and thirteen comments were received by the closure date of April 24, 2000. None of the comments opposed the petition. Subsequently, the staff held a one-half day public meeting with Westinghouse on August 28, 2001, to discuss questions the staff had regarding the information in WCAP-15315, Revision 0. In response to the staff's questions, Westinghouse docketed WCAP-15315, Revision 1 on May 23, 2002, as a revised technical basis to support the petition.

The staff has reviewed the information provided by Westinghouse in WCAP-15315 and additional information available to the staff from other sources which could support granting the Westinghouse petition. Although the staff supports the concept of modifying or eliminating the minimum temperature requirements related to RPV flange material properties in Appendix G, the staff has concluded that, at this time, an insufficient technical basis exists to define the extent to which the existing requirements should be modified. However, the Office of Nuclear Regulatory Research (RES) is currently, in conjunction with User Need Request NRR-2002-025, identifying revisions which should be made to all of the Appendix G requirements and

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developing the technical basis to support such revisions. The changes requested in the Westinghouse petition would be a subset of the revisions that RES is addressing. Allocation of the resources necessary to develop the technical basis to support revising Appendix G and to pursue a subsequent rulemaking activity in this area will be made consistent with the agency's Planning, Budgeting, and Performance Management (PBPM) process.

NRC management support for this course of action was obtained at a Petition Review Board (PRB) meeting on August 22, 2002. At the PRB meeting, the staff characterized: (1) the concerns which remained regarding the technical basis provided by Westinghouse; (2) the history of interactions between the staff and the petitioner on this topic; and, (3) the range of options available for addressing the petition. The PRB unanimously decided to resolve PRM 50-69 based on the initiation of the appropriate technical basis development work in conjunction with User Need Request NRR-2002-025. Consistent with this decision, User Need Request NRR-2002-025 will be clarified to connect the Westinghouse petition to the completion of the User Need Request. The letter that we plan to send to the petitioner is provided in Attachment 1.

The Office of the General Counsel has reviewed this memorandum and the proposed letter to the petitioner and has no legal objection to the course of action described above.

Attachments: As stated

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