

April 2, 2003 Letter to Westinghouse

Petition for Rulemaking Regarding Reactor Pressure Vessel Closure Head Flange Temperature Requirements in Appendix G to 10 CFR Part 50; PRM 50-69

ATTACHMENT 1

April 2, 2003

Mr. H.A. Sepp, Manager
Regulatory & Licensing
Westinghouse Electric Company Nuclear Services
Box 355
Pittsburgh, PA 15230-0355

SUBJECT: PETITION FOR RULEMAKING REGARDING REACTOR PRESSURE VESSEL
CLOSURE HEAD FLANGE TEMPERATURE REQUIREMENTS IN
APPENDIX G TO 10 CFR PART 50; PRM 50-69

Dear Mr. Sepp:

I am sending this letter to you in regard to your letter of November 4, 1999, which submitted a petition for rulemaking on behalf of Westinghouse Electric Company LLC (Westinghouse). Your petition requested that the NRC revise its regulations to eliminate minimum temperature requirements related to reactor pressure vessel (RPV) closure head flange material properties from Appendix G to Title 10 of the Code of Federal Regulations Part 50 (10 CFR Part 50). Specifically, your petition requested that footnotes (2) and (6) be removed from Table 1 in Appendix G to 10 CFR Part 50. With your petition, you submitted topical report WCAP-15315, Revision 0, "Reactor Vessel Closure Head/Vessel Flange Requirements Evaluation for Operating PWR and BWR Plants," as a proposed technical basis intended to support our granting of the petition.

Your 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 representatives 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 that you provided in WCAP-15315, Revision 1 and additional information available to the staff from other sources which could support granting your petition. 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. The staff's concerns regarding the currently available technical basis have been discussed with Westinghouse technical staff and were more broadly addressed at a public meeting of the American Society for Mechanical Engineers Boiler and Pressure Vessel Code, Section XI, Working Group on Operating Plant Criteria, in Hollywood, Florida, on September 10, 2002.

However, the staff is continuing to evaluate your proposal to modify the minimum temperature requirements related to RPV flange material properties in Appendix G to 10 CFR Part 50. Specifically, the NRC's Office of Nuclear Regulatory Research (RES) is: (1) evaluating the need to revise all of the requirements found in Appendix G to 10 CFR Part 50, including those related to RPV flange material properties, and (2) if revisions to the regulations are warranted, developing an appropriate technical basis to support a future rulemaking activity. The technical information that you have submitted in WCAP-15315, Revision 1, along with the staff's evaluation of that information, will be considered by the staff as they evaluate the need for changes to the existing regulations. The staff's efforts to revise Appendix G to 10 CFR Part 50 will be pursued commensurate with the prioritization of this activity relative to other agency activities and budgeting constraints. If as a result of these activities the NRC plans to take any action to modify those regulatory requirements that you identified in your petition, you will be notified of such a decision by the NRC. Alternatively, if these staff activities indicate that no modification to those regulatory requirements identified in your petition are warranted, you will be notified of that decision as well.

Based on the staff's interactions with Westinghouse representatives who were involved in the development of WCAP-15315, we understand that Westinghouse may wish to have a continuing dialogue with the NRC regarding technical issues related to the subject of your petition.

If you have any questions regarding the NRC's current actions with regard to your November 4, 1999, petition for rulemaking, or wish to have further dialog with the staff on this issue, please contact Matthew A. Mitchell of my staff at 301-415-3303.

Sincerely,

/RA by William M. Dean for/

Richard J. Barrett, Director
Division of Engineering
Office of Nuclear Reactor Regulation

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Sincerely,
/RA/

Richard J. Barrett, Director
Division of Engineering
Office of Nuclear Reactor Regulation

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