

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

**RESPONSE SHEET**

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

**FROM:** Commissioner Baran

**SUBJECT:** SECY-20-0085: Denial of Petition for Rulemaking  
(PRM-50-75) due to the Discontinuation of the  
Associated Rulemaking

Approved   X   Disapproved        Abstain        Not Participating       

**COMMENTS:** Below   X   Attached   X   None       

In light of the prior discontinuation of the 10 CFR 50.46a rulemaking, I approve the staff's recommendation to deny the associated petition for rulemaking. I also approve publication of the *Federal Register* notice announcing this decision and issuance of the letter to the petitioner, subject to the attached edits.

**Entered in "STARS"**

Yes   X    
No       

\_\_\_\_\_  
**SIGNATURE**

10/1/20  
\_\_\_\_\_  
**DATE**

JMB edits

**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](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 <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 [pdf.resource@nrc.gov](mailto:pdf.resource@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](mailto:Yanely.Malave@nrc.gov); or Robert Beall, telephone: 301-415-3874; e-mail: [Robert.Beall@nrc.gov](mailto: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<sup>3</sup> was the 10 CFR 50.46a ECCS final rule (Item 1 of Enclosure 1 to SECY-16-0009).

This rule would have provided a voluntary alternative to current regulatory requirements. However, at a public meeting to discuss the Risk Management Regulatory Framework paper (ADAMS Accession No. ML15026A328), industry representatives indicated that licensees would not be interested in implementing the final rule. ~~Based on interactions with the nuclear industry, the NRC staff acknowledged that there were concerns with the potential implementation burden of the rule.~~ The NRC staff's regulatory analysis for the draft 10 CFR 50.46a ECCS final rule (ADAMS Accession No. ML103230250) also discussed ~~the~~ comments submitted by the Boiling Water Reactor Owners Group, which conveyed ~~that their view 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 noticed 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 ~~decides~~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.



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

JMB edits

Mr. Doug True  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington DC 20004-1218

Dear Mr. True:

I am responding to the petition for rulemaking (PRM) dated February 6, 2002 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML020630082](#)), that was submitted by Mr. Anthony R. Pietrangelo on behalf of the Nuclear Energy Institute to the U.S. Nuclear Regulatory Commission (NRC). The petition was docketed as PRM-50-75 and requested that the NRC amend its regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) to allow the use of an alternative break size to the currently required double-ended rupture of the largest pipe in the reactor coolant system in Emergency Core Cooling System (ECCS) evaluation models.

In response to this petition, the NRC determined that the issues raised in PRM-50-75 would be considered in an ongoing ECCS rulemaking activity involving 10 CFR 50.46a (the 50.46a ECCS rulemaking), thereby closing PRM-50-75. The NRC informed Mr. John Butler of the Nuclear Energy Institute of this decision in a letter dated October 15, 2008 (ADAMS Accession No. [ML081790179](#)) and published a *Federal Register* notice on November 6, 2008 ([73 FR 66000](#)) to inform the public.

~~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 discontinuation of the 50.46a ECCS rulemaking would have a minimal adverse impact on the NRC's mission, principles, or values, and members of the nuclear power industry indicated that the industry would not be interested in implementing the voluntary rule.~~ In staff requirements memorandum (SRM) for SECY-16-0009 (ADAMS Accession No. [ML16104A158](#); April 13, 2016), the Commission approved the staff's recommendation to discontinue the 50.46a ECCS rulemaking effort. Therefore, the Commission is denying PRM-50-75 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

SUBJECT: DENIAL OF PRM-50-75: LETTER TO PETITIONER

DATED [MONTH DAY, 2020].

ADAMS Accession No.: FRN: ML19171A010; Letter: ML19171A011; Package: ML19171A006 \*via e-mail

<b>OFFICE</b>	NMSS/REFS/RRPB/P	NMSS/REFS/RRPB	NMSS/REFS/RRPB	NMSS/REFS/RRPB/BC
<b>NAME</b>	IBerrios	GLappert*	YMalave	SSoto*
<b>DATE</b>	06/16/2019	07/22/2019	09/06/2019	10/03/2019
<b>OFFICE</b>	NRR/DSS/SNSB/B	NMSS/REFS/RASB	NMSS/REFS	NRR/DSS
<b>NAME</b>	JBorromeo*	CBladey*	JTappert*	JDonoghue (MJRosee-Lee for)*
<b>DATE</b>	10/15/2019	12/23/2019	02/28/2020	02/26/2020
<b>OFFICE</b>	OGC	NRR	OEDO	
<b>NAME</b>	HBenowitz*	HNieh (MGavrilas for)*	MDoane	
<b>DATE</b>	04/02/2020	04/27/2020		

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