

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

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Commissioner Hanson  
**SUBJECT:** SECY-20-0086: Denial of two Petitions for Rulemaking (PRM-26-3 and PRM-26-5) due to the Discontinuation of Associated Rulemaking

Approved  X  Disapproved      Abstain      Not Participating    

**COMMENTS:** Below  X  Attached  X  None    

I approve publication of the *Federal Register* notice denying, without prejudice, both PRM-26-3 and PRM-26-5, and issuance of the letters informing the petitioners of this action, subject to the attached edits.

**Entered in STARS**

Yes  x

No    

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

**October 8, 2020**

\_\_\_\_\_  
**Date**



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

OFFICE OF THE  
SECRETARY

CTH edits

Mr. Robert N. Meyer  
Professional Reactor Operator Society  
E-mail: robt.meyer@gmail.com

Dear Mr. Meyer:

I am responding to the petition for rulemaking (PRM) dated October 16, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML092960440), that was submitted by you on behalf of the Professional Reactor Operator Society (PROS), to the U.S. Nuclear Regulatory Commission (NRC). The petition was docketed as PRM-26-3 and requested that the NRC amend its regulations in Title 10 of the *Code of Federal Regulations* Part 26, "Fitness for Duty Programs," to change the term "unit outage" to "site outage," and that the definition of "site outage" read "up to 1 week prior to disconnecting the reactor unit from the grid and up to 75-percent turbine power following reconnection to the grid."

In response to this petition, the NRC initially determined that the issues raised in PRM-26-3 would be considered in a rulemaking activity titled, "Quality Control/Quality Verification" (QC/QV) (Docket ID: NRC-2009-0090) and published a *Federal Register* notice (76 FR 28192) on May 16, 2011 to this effect. In a letter dated April 30, 2011 (ADAMS Accession No. ML110450238), the NRC notified you of this action. On December 9, 2015, the NRC published a notice in the *Federal Register* discontinuing the QC/QV rulemaking (80 FR 76394). Under 10 C.F.R. § 2.803(i)(2), if the NRC decides not to complete a rulemaking, any associated PRM is documented as denied. Therefore, the NRC is denying PRM-26-3 without prejudice-under 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-26-5: LETTER TO PETITIONER  
 DATED [MONTH DAY, 2020].

ADAMS Accession No.: FRN: ML20009D432; Letter: ML20009D466; Package: ML19171A006 \*via e-mail

<b>OFFICE</b>	NMSS/REFS/RRPB/P	NMSS/REFS/RRPB/R	NMSS/REFS/RRPB/B	NMSS/REFS/RASB/BC
<b>NAME</b>	YMalave	GLappert*	IBerrios*	CBladey (JShepherd for)*
<b>DATE</b>	12/19/2019	01/27/2020	12/20/2019	01/24/2020
<b>OFFICE</b>	NSIR/DPCP/RSB/	NMSS/REFS	NSIR/DPCP	OGC
<b>NAME</b>	ABowers*	JTappert*	SHelton*	HBenowitz*
<b>DATE</b>	02/03/2020	02/28/2020	02/21/2020	04/02/2020
<b>OFFICE</b>	NSIR	NRR	OEDO	
<b>NAME</b>	BHolian*	HNieh (MGavrilas for)*	MDoane	
<b>DATE</b>	04/10/2020	04/27/2020		

OFFICIAL RECORD COPY



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

OFFICE OF THE  
SECRETARY

CTH 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 September 3, 2010, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102590440), that was submitted by Mr. Anthony R. Pietrangelo on behalf of the Nuclear Energy Institute (NEI) to the U.S. Nuclear Regulatory Commission (NRC). The petition was docketed as PRM-26-5 and requested that the NRC amend its regulations to refine existing requirements based on experience gained since the regulations were last amended in 2008.

In response to this petition, the NRC initially determined that the issues raised in PRM-26-5 would be considered in a rulemaking activity titled, "Quality Control/Quality Verification" (QC/QV) (Docket ID: NRC-2009-0090) and published a *Federal Register* notice (76 FR 28192) on May 16, 2011 to this effect. In a letter dated April 30, 2011 (ADAMS Accession No. ML110450593), the NRC notified Mr. Pietrangelo of this action. On December 9, 2015, the NRC published a notice in the *Federal Register* discontinuing the QC/QV rulemaking (80 FR 76394). Under 10 C.F.R. § 2.803(i)(2), if the NRC decides not to complete a rulemaking, any associated PRM is documented as denied. Therefore, the NRC is denying PRM-26-5 without prejudice under 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-26-5: LETTER TO PETITIONER  
 DATED [MONTH DAY, 2020].

ADAMS Accession No.: FRN: ML20009D432; Letter: ML20009D622; Package: ML19171A006 \*via e-mail

<b>OFFICE</b>	NMSS/REFS/RRPB/P	NMSS/REFS/RRPB/	NMSS/REFS/RRPB/B	NMSS/REFS/RASB/BC
<b>NAME</b>	YMalave	GLappert*	IBerrios*	CBladey (JShepherd for)*
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