

Resolution of Public Comments on Draft Regulatory Issue Summary (RIS) 2007-16, Revision 1, “Implementation of the Requirements of 10 CFR 54.37(b) for Holders of Renewed Licenses”

All comments on the draft RIS revision were provided by the Nuclear Energy Institute (NEI) by letter dated May 27, 2009, which is available in the U.S. Nuclear Regulatory Commission (NRC) Agencywide Documents Access and Management System (ADAMS) under Accession No. ML091540208.

Comment No.	Comment	Response
1	<p>The proposed change to RIS 2007-16 that would require systems, structures, and components (SSCs) installed after issuance of the renewed license to be included in the final safety analysis report (FSAR) update required by 10 CFR 54.37(b) is inconsistent with the previous NRC positions. The previous NRC position (i.e., that SSCs installed after the renewed license is issued are not subject to 10 CFR 54.37(b)) is correct and should be retained.</p> <p>In addition, implementation of this proposed change to RIS 2007-16 would impose a significant financial burden on plants with renewed licenses. These plants would have to perform a review of all plant changes since the renewed license was issued to determine if any of these changes would have to be included in the FSAR under 10 CFR 54.37(b); and would have to continue these reviews for the life of the plant. This approach adds no value as the current processes for plant modifications and additions requires that the newly installed equipment must be designed and maintained to operate for the rest of the life of the plant. Imposing the 10 CFR 54.37(b) regulation on these newly installed components would duplicate the normal design process requirements at an additional cost but with no added value. For these reasons, NEI does not</p>	<p>After further evaluation of this matter, it has been determined that the most appropriate application of 10 CFR 54.37(b) is to SSCs installed in a plant before issuance of a renewed operating license. This position is articulated in the original RIS and, as such, the revised RIS reflects no changes to this position.</p> <p>As noted in the Statements of Consideration published with the amended 10 CFR Part 54 in 1995, licensee programs and NRC regulatory activities are adequate to address aging during the 40-year term of the original plant operating license (60 FR 22464). Thus, if a licensee installs a completely new SSC anytime during the term of the original 40-year operating license, aging of this SSC can be adequately addressed by licensee programs and NRC regulatory activities. However, these programs and regulatory activities may not be adequate when an SSC will be operated or relied upon beyond the current license of the plant. When extending the operating life of an SSC, further aging management review is necessary to determine whether aging can be adequately managed during the period of extended operation. This further review is the focus of the License Renewal Rule.</p> <p>The same principle may be applied to a completely new SSC installed in the plant anytime during the term of renewed operating license. Aging of the new SSC can be adequately addressed through licensee programs and NRC regulatory activities for the remainder of the renewed license term. As such, it is not necessary to require for completely new SSCs, as 10 CFR 54.37(b) does, that a renewed</p>

Comment No.	Comment	Response
	<p>agree with the NRC staff's suggestion in the April 29, 2009, meeting that the newly installed SSCs might be included in FSAR updates because of the possibility of additional license extensions, since there is no material value added in doing this and it would be very costly to implement.</p>	<p>license holder perform an aging management review or evaluate time-limited aging analyses (TLAAs), and then include the results in the updated FSAR.</p>
2	<p>NEI agrees with the proposed change to RIS 2007-16 to include a backfit review of all license renewal interim staff guidance (LR-ISG) documents under 10 CFR 50.109 and to extend the LR-ISG process to include environmental review issues. However, this addition of backfit review for LR-ISGs should have no impact on implementation or interpretation of 10 CFR 54.37(b).</p>	<p>As stated in the response to Comment 1, the interpretation of 10 CFR 54.37(b) has not changed concerning SSCs installed in the plant after issuance of the renewed operating license. The draft RIS revision included additional language on backfitting considerations; however, after further evaluation, it has been determined that this language is unnecessary because, under the revised LR-ISG process, the NRC staff evaluates the positions in each LR-ISG on a case-by-case basis to whether 10 CFR 54.37(b) and 10 CFR 50.109 apply. A notice of availability on the revised LR-ISG process was published in the <i>Federal Register</i> on August 17, 2009 (74 FR 41461).</p>
3	<p>NEI recommends that the NRC consider splitting RIS 2007-16 into two separate documents, one on implementation of 10 CFR 54.37(b) and the other on the LR-ISG process, including the requirement for backfit analysis for proposed LR-ISGs. This change may help to clarify the NRC's intent by separating the two messages.</p>	<p>The two separate documents are the revised LR-ISG process and the final RIS revision. The revised LR-ISG process contains the framework for developing and implementing LR-ISGs, whereas the RIS provides guidance on interpretation and licensee implementation of 10 CFR 54.37(b). The LR-ISG process references the RIS for interpretation of 10 CFR 54.37(b).</p>
4	<p>Some of the information in Revision 0 of RIS 2007-16 was deleted in Revision 1: NRC's agreement to inform renewed license holders of new LR-ISGs and to inform the industry of "newly identified" SSCs. This information could be placed in paragraph 4.2.4 of the LR-ISG process. This information is valuable to licensees and we request that the expectation to communicate it be retained.</p>	<p>The revised LR-ISG process states that when an LR-ISG constitutes backfitting under 10 CFR 50.109, or communicates "newly-identified" SSCs under the provisions of 10 CFR 54.37(b), the NRC staff will notify applicable renewed license holders as appropriate, for example, by issuing letters or a generic communication. The NRC staff also publishes notices of availability of all final LR-ISGs in the <i>Federal Register</i>. In addition, like the original RIS, the final RIS revision identifies the three LR-ISGs that have been designated as the "compliance" type and therefore subject to the provisions of 10 CFR 54.37(b).</p>