

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
<b>1.0</b>	<b>NRC's current regulation (10CFR 54.17) is unduly non-conservative and 20 years is unnecessary</b>		
1.1	<p>Rulemaking for 10 CFR§54.17(c) was conducted more than 15 years ago.' The rulemaking took place prior to sweeping changes in NRC oversight and prior to economic and regulatory shifts that enabled unprecedented changes in ownership and an industry-wide shift of focus from anticipated decommissioning to uprate and license renewal. The rulemaking cannot have contemplated how these changes have affected the dynamics of license renewal aging analysis and aging management planning over a period of forty years, 20 years of current license, plus 20 years of extended period of operation. Thus, in as much as the rule does not take into consideration its present context, the rule is antiquated and obsolete and must be reconsidered.</p> <p>Related Comments: 1A-1C</p>	1A	<p>NEI (Letter 4, p. 7)</p> <p>The Petition alleges but does not demonstrate that 10 CFR 54.17(c) is "antiquated and obsolete" and must be reconsidered in light of "sweeping changes in NRC oversight and prior to economic and regulatory shifts that enabled unprecedented changes in ownership and an industry-wide shift of focus from anticipated decommissioning to uprate and license renewal." Petition, pp. 4-5. The Petition is devoid of information supporting this broad assertion.</p>
		1B	<p>NEI (Letter 4, p. 7)</p> <p>All applicants for NRC license renewal, regardless of their corporate structure, must comply with the Commission's requirements. Further, the Petition includes no analysis of how industry deregulation allegedly made Section 54.17 "obsolete." Such broad, unsubstantiated claims provide no viable support for the rulemaking petition.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		1C	<p>Next Era (Letter 3, p. 5)</p> <p>Petitioners argue that the rule is "antiquated and obsolete" and does not consider changes in NRC oversight as well as changes in reactor ownership that have "affected the dynamics of license renewal aging analysis and aging management planning." Petition at 4-5. While this argument attempts to provide new information that the NRC allegedly did not consider in its rulemaking, it fails to explain what that new information is and thus fails to demonstrate that sufficient reason exists to modify the current regulations. Petitioners fail to identify what changes in NRC oversight they believe to be relevant or how such changes would affect aging management. Similarly, Petitioners do not indicate how electric power deregulation, which led to some changes in reactor ownership, has had any affect on aging management. All license renewal applicants, whether they are rate-based utilities or merchant generators, must comply with Part 50 and Part 54 requirements. And, contrary to Petitioners' assertion, Part 54 does "take into consideration [the] present context;" (Pet. at 5) as it requires the maintenance of each reactor's current licensing basis. See 10 C.F.R. § 54.33(d).</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
1.2	<p>Of 32 license renewals granted, to the petitioner's knowledge, none were filed 20 years in advance of license expiration and only among 14 license renewal applications under consideration and filed in the last few years is an exception is to be found, ... The great majority of licensees have filed applications for license renewal within ten years of original license expiration without any apparent negative consequences. Petitioners assert that this experience is a clear demonstration that more than ten years lead time is unnecessary and of little benefit. However, as the Petitioner's show below, filing, reviewing, and granting license renewal applications more than ten years in advance of original license expiration can have negative consequences.</p> <p>Related Comments: 1D-H</p>	1D	<p>Beyond Nuclear (Letter 5)</p> <p>Beyond Nuclear submits that the 20-year advance provision is demonstrated to be both unreasonable and practically unnecessary for the purpose of conducting the regulatory review process for license renewal.</p> <p>Beyond Nuclear submits that eighty-two (82) nuclear power plant units have to date either received a twenty (20) year license extension (60 units) or have currently applied for an extension (22 units). Only two (2) units in the license renewal review process are now in the relicensing process for under 5 years; Vermont Yankee (Received January 27, 2006) and Pilgrim (Received January 27, 2006). Clearly, the agency's own experience demonstrates that the preponderance of the license renewal reviews and approvals conducted to date come nowhere near requiring 18 to 20 years to complete.</p> <p>Given that industry original estimates and the Commission's conclusion upon which the current rule is based have proven to be grossly inaccurate, the initial and principle reason for adopting the 20-year advance application date has no basis and is therefore arbitrary, capricious and unjustified.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		1E	<p>Beyond Nuclear (Letter 5)</p> <p>To date, only one unit has filed (June 1, 2010) a relicensing application to the extreme as currently provided by 10 CFR 54.17(c). That nuclear power plant site is for the Seabrook nuclear power station operated by NextEra Seabrook Nuclear LLC (also known as Florida Power &amp; Light). Seabrook's extremely premature filing specifically illustrates many of the Petitioners' concerns. The Petitioner's insight taken from an actual filing is proffered in part here to inform and illuminate the rulemaking process as to specifically why the 20-year advance application provision undermines and seeks to defeat the spirit and intent of NEPA law particularly with regard to the required evaluation of the alternatives. There exists a number of Letters of Intent for such reactors as the Grand Gulf and Callaway nuclear power plants as well as a number of yet-to-be-announced reactor sites where reapplication is 13 years or more.</p> <p>Given the preponderance of license renewal review times for submittals and the agency approvals to date, the Petitioner reasserts that no more than 10 years advance application is warranted which will significantly improve the quality and reliability of the agency's Environmental Impact Statements and the Environmental Reports upon which they rely as required by NEPA.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		1F	<p>NEI (Letter 4, p. 2)</p> <p>Granting this Petition would countermand the Commission's intent in developing the regulatory framework for license renewal to "meet the need of utilities to be informed of license renewal requirements sufficiently early so that utilities can either prepare for license renewal or pursue alternative sources of generating capacity." Requiring licensees to delay filing renewal applications until 10 years (rather than 20 years) before OL expiration would undermine that purpose and create a disincentive for future license renewal applicants.</p> <p>NRC's recognition of the need for sufficient lead time for corporate decision-making, which underlies Section 54.17(c), applies whether companies opt for license renewal of their nuclear facilities or development of "alternative sources of generating capacity." Completion of the business planning process that many NRC licensees follow effectively requires decisions about future generating capacity to be made many years in advance. If a decision is made to pursue license renewal, many months are needed to prepare the LRA, followed by several additional years for the NRC staff to review and act on the application. During the pendency of the LRA, the applicant must support the NRC's review and participate in any contested licensing hearings. While ... the renewal process generally takes 24 to 30 months, ...several extended license renewal proceedings (e.g., Vermont Yankee (VY) and Pilgrim) are each approaching five years since LRA submittal without an NRC decision. ...Thus, ... a 20-year lead time for filing an LRA has been shown to be a reasonable and prudent policy decision.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		1G	<p>NEI (Letter 4, p. 7)</p> <p>Contrary to Petitioners' assertions, the NRC website shows that NRC has, to date, granted renewed licenses for 60 nuclear power plants and the NRC staff is currently reviewing renewal applications for an additional 22 nuclear plants. Moreover, Petitioners' claim that the renewal application for the Seabrook Station, Unit 1, is the first renewal application to have been filed 20 years in advance of the expiration of the current OL is incorrect. In fact, the NRC has granted renewal licenses for several LRAs ... filed around the 20-year point. The Commission's willingness to consider exemptions from 10 CFR 54.17(c) also has allowed a number of licensees to submit renewal applications for facilities ... with more than 20 years remaining on their OLs. Given this precedent, NextEra Energy Seabrook, LLC, the licensee for the Seabrook Station, is not an outlier ...</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		1H	<p>Next Era (Letter 3, p. 6)</p> <p>Petitioners claim that none of the license renewal applications that the NRC has received were submitted 20 years in advance of the current license's expiration, and that the Seabrook LRA is the first exception to this general rule. Petition at 5. Petitioners are wrong. The NRC has docketed and granted several license renewal applications filed around the 20-year point. Among the LRAs submitted around the 20-year threshold are: McGuire Unit 1, Beaver Valley Unit 2, V.C. Summer, Wolf Creek, Shearon Harris, and Vogtle Unit 1.3 Moreover, as the Commission explained in the SOC for the 1995 Final Rule, it has been willing to grant exemptions from the requirements of 10 C.F.R. § 54.17(c). See 60 Fed. Reg. at 22,488. These exemptions have allowed numerous licensees to submit a license renewal application with more than 20 years remaining on their operating licenses. ... Petitioners' assertion that the Seabrook LRA is an outlier in this regard is without merit and fails to provide sufficient grounds to modify the current regulation.</p>
1.3	<p>Seabrook Station-Unit 1. NextEra Seabrook has provided no credible justification for its very early filing.</p> <p>Related Comments: 11</p>	1I	<p>NextEra (Letter 3, p. 10)</p> <p>Petitioners also raise a number of specific claims about the sufficiency of NextEra Energy Seabrook's LRA for Seabrook. Petition at 10-11. To the extent Petitioners argue that the LRA is deficient, their claims are inappropriate in a rulemaking petition and should be raised in the ongoing adjudicatory proceeding, in which several of the Petitioners are currently participating and have already raised similar claims.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
<b>2.0</b>	<b>The Rulemaking for § 54.17 proceeded without sufficient consideration of the hearing rights of affected persons</b>		
2.1	<p>By renewing the license of a nuclear power station twenty years in advance of the licensed extended period of operation NRC removes to the distance of a full generation, the opportunity for an adjudicatory hearing, a coming generation of affected residents, visitors, and commercial interests as yet unable or unprepared to speak for themselves. 10 CFR§54.17(c) introduces the question of whether the action proposed is obtaining the license or entering into an extended period of operation 20 years hence. Certainly the safety and environmental ramifications; the physical impact on affected persons begins 20 years away. Thus 10 CFR§54.17(c) allows for effective segmentation of the proposed action rendering the permission so far removed in time from the implementation as to provide an intellectual disconnect or, in effect, void legal notice.</p> <p>Related Comments: 2A-E</p>	2A	<p>Mark Strauch (Letter 1)</p> <p>By petitioner's logic, the proposed 10 year renewal limit should be 5 years, since there will be people born and commercial interests affected after 10 years that are "yet unable or unprepared to speak for themselves." This is nonsense. One could argue that having a licensee apply more than 10 years out actually gives residents, potential residents, or commercial interests greater opportunity not to locate in the area of the plant if they so desire.</p>
		2B	<p>NEI (Letter 4, p. 8)</p> <p>First, "there is no fundamental right to participate in administrative adjudications." Section 189.a. of the Atomic Energy Act of 1954, as amended (AEA), provides an opportunity for a hearing in connection with certain NRC licensing activities; NRC regulations set forth procedures to be followed for license renewal-related licensing hearings. ... The scope of the license renewal hearing is limited to consideration of age-related degradation unique to license renewal and compliance with NEPA. The hearing does not address the adequacy of, or compliance with, the plant's licensing basis.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		2C	<p>NEI (Letter 4, p. 8)</p> <p>Parties in NRC contested licensing hearings have the opportunity to raise issues both after the LRA is submitted and also during the months immediately following the staff's completion of its extensive licensing review and the issuance of the safety and environmental licensing documents. The advantages of this approach are obvious. Because the licensing hearing focuses on the license renewal application itself (not future generations of potential stakeholders, visitors and commercial interests as the Petition suggests), hearing issues are most effectively addressed while the LRA is before the agency. Contrary to Petitioners' assertion, there is no statutory, regulatory or other rationale for delaying the hearing until the renewed license goes into effect. Nor do we believe most interested persons would agree to such a delay, which would surely undercut the timely consideration of licensing issues.</p>
		2D	<p>NEI (Letter 4, p.8)</p> <p>Petitioners' suggestion that a license renewal phase adjudicatory hearing is the only avenue of communication available to members of the public that wish to raise license renewal concerns closer to the date of the renewal license also ignores other regulatory provisions. Any safety issues relating to plant operation that arise after license renewal will be addressed using the array of processes available to the Commission.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		2E	<p>NextEra (Letter 3, p. 6)</p> <p>To the extent Petitioners mean to raise a constitutional challenge to 10 C.F.R. § 54.17(c)-that it deprives future citizens of a fundamental right to intervene in the license renewal proceeding, it must fail because "there is no fundamental right to participate in administrative adjudications." Citizens Awareness Network, Inc. v. NRC, 391 F.3d 338, 354 (1st. Cir. 2004). Moreover, Petitioners ignore the fact that, as set forth in the Atomic Energy Act, initial operating licenses are issued for 40-year periods. The combination of a 20-year license renewal period with the 18 years (at most) that would remain on an initial license following the NRC's review of an LRA is less than the 40-year period for operating licenses that the NRC grants under Part 50 or Part 52. Petitioners' argument, if accepted, would mean that the NRC is incapable of ever providing any meaningful hearing opportunity on an initial operating license and that the Atomic Energy Act's provisions requiring both an opportunity for hearing and a 40-year term are fundamentally incompatible.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
<b>3.0</b>	<b>The rule currently enables applications to avoid addressing changing environmental considerations.</b>		
3.1	<p>10 CFR§54.17(c) promotes failure of the license renewal application to encompass the potential effects of an environment that is arguably changing at an unprecedented rate. What level of coastal subsidence or ocean level rise may be predicted with confidence over the next forty years?</p> <p>Related Comments: 3A-B</p>	3A	<p>Beyond Nuclear (Letter 5)</p> <p>the agency can effectively truncate and close out submittals and challenges to the environmental review process up to approximately 20 years before the requested federal relicensing action is to take place. In fact, an environmental review submitted to such an extreme will likely rely upon data, opinions and conclusions that are arrived at substantially more than 20 years in advance of the requested action.</p>
		3B	<p>NEI (Letter 4, p. 5)</p> <p>The Commission also discussed the NRC inspection programs conducted to ensure that each nuclear power plant remains in compliance with its current licensing basis. 56 Fed. Reg. at 64,951.</p>
3.2	<p>What in 40 years will be the global threat of terrorism and its impact on security of nuclear reactors; and will be the changes in the status of probable availability of offsite storage for spent fuel and LLRW? Will a rise in ocean temperatures over the next forty years, bring more aquatic species into the thermal discharge plume or within the draft of cooling intake? What will be the status of threatened or endangered species? Petitioners observe that, in general, prediction failure rates for complex systems tend to increase exponentially with respect to the length of time until the prediction matures.</p> <p>Related Comments: 3C-D</p>	3C	<p>NextEra (Letter 3, p. 8)</p> <p>the Commission has repeatedly stated that security issues are not among the aging-related questions that are relevant in license renewal review. ... Moreover, acts of terrorism need not be addressed in the NRC's environmental review. .... The storage and disposal of low-level waste and the onsite storage of spent fuel generated during the additional 20 years of operation are Category 1 issues for which the NRC has already codified environmental impact findings in Appendix B to 10 C.F.R. Part 51. And the eventual on- or off-site storage of spent fuel following the permanent cessation of operations is generically addressed in 10 C.F.R. § 51.23.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		3D	<p>NextEra (Letter 3, p. 8)</p> <p>Petitioners question the impact that a potential rise in ocean temperatures could have on aquatic species impacted by a reactor's thermal discharge plume or the cooling intake structure. Assuming such changes occur, the EPA or designated state agency that permits operations under sections 316 (a) and (b) of the Clean Water Act could modify the permits to account for the change in conditions. Regardless of whether these permitting authorities amend the National Pollutant Discharge Elimination System (NPDES) permits, section 511 (c)(2) of the Clean Water Act precludes the NRC from either second-guessing the conclusions in NPDES permits or imposing its own effluent limitations.</p>
<b>4.0</b>	<b>The NRC and licensees are unable to predict aging of SSCs.</b>		
4.1	<p>10 CFR§54.17(c) allows licensees and NRC reviewing staff to press to untenable lengths of time the unproven ability to predict the aging and deterioration of systems, structures, and components ("SSCs").</p> <p>Related Comments: 4A-E</p>	4A	<p>Mark Strauch (Letter 1)</p> <p>Petitioner would have one believe that the NRC is powerless once a renewal is docketed to address any of the potential safety or aging-related issues enumerated in the petition. This is more nonsense.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		4B	<p>NEI (Letter 4, p. 10)</p> <p>Petition does not say is that to the extent these component failures were within the scope of license renewal, they would have been considered in these facilities' renewal proceedings. To the extent these matters were not properly within the scope of license renewal, they were addressed as part of the licensees' ongoing operation, e.g., the corrective action and operating experience programs, and the NRC's continuing regulatory oversight process. In fact, these are good examples of the way licensees' aging management programs are continuously evaluated and adjusted, no matter how many years the plant has operated. Finally, Petitioners make no showing that the identification and resolution of either the Beaver Valley or the VY issues would have been any different if those licensees had been required to filing their renewal application within 10 years (rather than 20 years) before expiration of the existing operating licenses.</p>
		4C	<p>NEI (Letter 4, p. 11)</p> <p>Petitioners' argument is also belied by the stringency of the NRC's license renewal process and the application of that mature process to 60 reactors to date - over half the U.S. fleet. For example, plant aging effects are continuously monitored, trended, and addressed from the date the plant begins operation. Plant aging management programs include monitoring, trending, inspection, and surveillance activities that begin at year 1 and continue for the operating term of the plant, whether it is 30, 40, 60, or more years. These programs ensure that aging effects are managed and components are repaired, maintained, refurbished, or replaced prior to a loss of function.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		4D	<p>NextEra (Letter 3, p. 7)</p> <p>In drafting Part 54, the NRC did not expect licensees to predict all possible age-related failures prior to issuance of a renewed license. Instead, it requires licensees to have inspection and testing programs that would detect aging effects such that those effects could be adequately managed. <i>See id.</i> A licensee's license renewal programs are detection-not prediction-programs. Accordingly, this argument does not provide any grounds to reconsider the Commission's current regulations.</p>
		4E	<p>NEI (Letter 4, p. 10)</p> <p>In section II.C., argument 3, Petitioners assert that Section 54.17(c) permits license renewal applicants and NRC Staff "to press to untenable lengths the unproven ability to predict the aging and deterioration of systems, structures, and components." Petition, p. 6. No specific support is provided for this speculative claim, which in any event is refuted by the regulatory history of 10 CFR Part 54</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
4.2	<p>Filing for license renewal at mid-term of the current license finds the licensee at a place in SSC service life where in industry experience few failures are observed and, generally, those that are observed are episodic or anomalous in nature and thus cannot be readily plotted as a trend for prediction purposes. The time of an elevated rate of failures due to design, manufacturing, and construction defects has passed and is largely irrelevant to aging management in the proposed extended period of operation. The anticipated end-of-design life and aging issues have barely, if at all, begun to emerge, so little or no plant-specific information on how a given plant will age is available to be trended, provide lessons, or otherwise illuminate the path forward. It is generally observed that for many SCCs such information flow rates increase rapidly in the fourth quarter and toward the end of license. This SSC reliability progression is well-known and often illustrated in the the so-called "Bath Tub Curve". Additionally corrosion risk is a function of time. The Beaver Valley NPP containment issue provides a powerful example of operating experience emerging at a late date in a way that affects the license renewal. VT Yankee of course also provides a series of later life structural failures as additional examples.</p> <p>Related Comments: 4F-I</p>	4F	<p>NEI (Letter 4, p. 10)</p> <p>The so-called "bath tub curve" for component reliability trends does not apply to components that are subject to aging management programs. Rather, this curve applies when components have little or no maintenance or aging management activities applied.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		4G	<p>NEI (Letter 4, p. 12)</p> <p>Renewal applicants should be encouraged to perform the required aging management and environmental reviews as earlier as possible, since that would allow more time to evaluate and implement aging management programs for long term operation. Rather than discourage early applications, it would make more sense to encourage such proactive efforts. In sum, the arguments in this section do not justify modifying the license renewal rules.</p>
		4H	<p>NextEra (Letter 3, p. 8)</p> <p>Petitioners argue that most aging effects "increase rapidly in the fourth quarter and toward the end of the license." Petition at 7. Petitioners call this the "Bath Tub Curve" and argue that licensees should be required to wait until these later-life structural failures have presented themselves before filing a LRA. Id. at 7. Again, the Commission specifically addressed this argument in its 1991 Final Rule...</p>
		4I	<p>NextEra (Letter 3, p. 9)</p> <p>Further, license renewal applicants benefit not only from their own operating experience, but from that of the entire industry...</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
4.3	<p>It is appropriate, from a regulatory audit standpoint, to wait until applicable failure rate and observed aging phenomena data is in hand, before attempting time-limited aging analysis or aging management planning; less than 10; not less than 20 years in advance of operating license expiration.</p> <p>Related Comments: 4J-K</p>	4J	<p>NEI (Letter 4, p. 11)                      To the extent the Petition claims that 20 years of plant operating experience is insufficient to provide a valid basis for renewal applications, the Commission has previously addressed and dismissed that argument in its 1991 final rule...</p>
		4K	<p>NextEra (Letter 3, p. 2-4)</p> <p>Many of the arguments raised by Petitioners are not new and were thoroughly considered by the Commission when it promulgated Part 54. See Final Rule, "Nuclear Power Plant License Renewal," 56 Fed. Reg. 64,943 (Dec. 13, 1991). The 20-year timing provision in the proposed rule elicited public comment, which the Commission addressed in the Statements of Consideration ("SOC") for the 1991 Final Rule...</p> <p>The Commission revisited this issue in 1995 when it made substantial revisions to Part 54. It again received public comments on this issue, but determined that no change to 10 C.F.R. § 54.17(c) was necessary...</p> <p>Petitioners ignore this long rulemaking history and imply that the Commission arbitrarily set the 20-year time for filing renewal applications. See, e.g., Petition at 3. However, the Commission's license renewal rules are the product of years of careful consideration</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
<b>5.0</b>	<b>The 20 year timeframe exacerbates NRC staff and licensee difficulty in following license renewal commitments.</b>		
5.1	<p>Regulatory experience shows NRC staff turnover, changes in oversight, licensee staff changes, and ownership (licensee) changes, greater in a twenty year period than a ten year period, will at once complicate and place increased emphasis on proper handoff of unfulfilled licensee commitments.</p> <p>Related Comments: 5A-C</p>	5A	<p>NEI (Letter 4, p. 12)</p> <p>In addition to the total lack of support for this claim, the Petition ignores the fact that 10 CFR Part 54 requires license renewal commitments to be reflected in the Updated Final Safety Analysis Report (UFSAR). The NRC Staff's commitment tracking documentation can also be found on the facility's NRC docket, which is available to the public. Further, the Petition fails to acknowledge (or refute) the fact that the NRC's established regulatory oversight process for nuclear power plants (and other NRC licensees) has been functioning effectively for decades, despite "staff turnover, changes in oversight, licensee staff changes, and facility ownership changes."</p>
		5B	<p>NEI (Letter 4, p. 13)</p> <p>NRC regulations and guidance provide various processes (including program development, testing, formalized commitment processes, NRC inspections, etc., all of which require significant recordkeeping of commitment status) for ensuring that the licensee satisfies such commitments. Moreover, during the term of the renewed license the licensee continues to be subject to all NRC regulations in 10 CFR parts 2, 19, 20, 21, 26, 30, 40, 50, 51, 52, 54, 55, 70, 72, 73, and 100, and their appendices, as applicable to holders of operating licenses under 10 CFR Part 50 or combined license holders under 10 CFR part 52.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		5C	<p>NextEra (Letter 3, p. 9)</p> <p>Petitioners question the NRC's ability to keep track of license renewal commitments that are more than ten years old, blaming NRC Staff turnover, changes in oversight, and potential new facility ownership. <i>Id.</i> Contrary to Petitioners' specious claims, license renewal commitments are in the Updated Final Safety Analysis Report ("UFSAR"), which is docketed and searchable. Petitioners fail to identify why the NRC staff would encounter any difficulty keeping track of documented commitments in a licensee's UFSAR. Accordingly, this argument does not provide grounds to reconsider the Commission's current regulations.</p>
<b>6.0 Non-Compliances arise due to regulatory changes over time</b>			
6.1	<p>Twenty years from application to onset of extended period of operation will, based on regulatory history, certainly see an inordinate amount of applicable regulatory change, with lack of compliance likely to be grandfathered in. Current issues under consideration for treatment in license renewal process include, aging management for underground, buried, or inaccessible pipes that carry radionuclides; and aging management for safety-related low voltage cables that are below-grade and not qualified for a wet environment.</p> <p>Related Comments: 6A-D</p>	6A	<p>NEI (Letter 4, p. 13)</p> <p>The Commission considered and dismissed this very concern [regarding non-compliance with future changes in regulations] in promulgating the original license renewal rules. From the outset, the license renewal process has emphasized that for renewal licensees (as well for reactor licensees that do not seek a renewed license), the NRC will consider new information and impose new requirements as appropriate...More recent Commission pronouncements confirm that this position has not changed...</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		6B	<p>NEI (Letter 4, p. 14)</p> <p>As a matter of policy, the Commission was clearly correct in determining that existing issues at an operating nuclear facility must be addressed under the current license instead of postponing the matter until the license renewal period. Obviously, the resolution of any current safety concerns should not be deferred. By the same token, the resolution of current issues may have little or no relevance to safety during the period of extended operation, because those issues may be obviated by future changes in circumstances or regulatory requirements. .... As the Commission has held, it makes no sense for the NRC or parties to spend valuable resources litigating allegations of current deficiencies in a proceeding that is directed to future-oriented issues. Additionally, the NRC's license renewal process includes a "safety valve" allowing consideration of additional issues if appropriate (see 10 CFR 2.335).</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		6C	<p>NEI (Letter 4, p. 4)</p> <p>The NRC’s license renewal rules represent an informed, reasoned, and permissible exercise of [the] statutory authority [under the Atomic Energy Act of 1954]. The Commission established its renewal regulations after extensive deliberations, based on its determination that existing regulatory processes are adequate to ensure that the licensing bases of currently-operating nuclear power plants provide and maintain an adequate level of safety. The license renewal rules further reflect the NRC's considered policy judgments that (i) issues relevant to both current operation and extended operation during the license renewal period should be addressed when they arise, not postponed until a license renewal decision (56 Fed. Reg. 64,943, 64,946); and (ii) duplicating the Commission's ongoing regulatory reviews in a license renewal proceeding would waste NRC resources, which are better focused on aging management concerns</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		6D	<p>NextEra (Letter 3, p. 9)</p> <p>...the Commission has explained that it expects "licensees and license renewal applicants to adjust their aging management programs to reflect lessons learned in the future through individual and industrywide experiences." ... The Commission has described the license renewal program as a living program that continues to evolve. <i>Id.</i> If "new insights or changes emerge over time," the NRC Staff will "require, as appropriate, any modification to systems, structures, or components that is necessary to assure adequate protection of the public health and safety, or to bring the facility into compliance with a license, or the rules and orders of the Commission."... The NRC will act to ensure adequate protection regardless of when an LRA is submitted.</p> <p>The Commission also considered this same argument nearly 20 years ago in its 1991 Final Rule...</p>
<b>7.0 The rule currently conflicts with NEPA</b>			
7.1	<p>A license renewal application for a nuclear power plant submitted 20 years in advance of the expiration of its current operating license cannot "to the fullest extent possible" accurately and reliably evaluate nor reasonably foresee the alternatives to the proposed action as required by NEPA. In fact, the premature information constitutes nothing more than the "amassing needless detail" which in the case of nuclear power plant relicensing action establishes a bias towards a premature relicensing decision.</p> <p>Related Comments: 7A-C</p>	7A	<p>Beyond Nuclear (Letter 5, p. 21)</p> <p>In <i>Citizens Against Burlington, Inc. v. Busey</i>, 938 F.2d 190, 197-98 (D.C.Cir.1991), then Circuit Judge Clarence Thomas warned that outcome-controlled "rigging" of purpose and need violates NEPA, which "does not give agencies license to fulfill their own prophecies," <i>id.</i> at 195.</p> <p>...</p> <p>The Petitioner asserts that by remotely and narrowly setting the environmental review process to be conducted to an extreme of as much as 20 years in advance, the NRC in fact sets up the very "rigging" of purpose and need to violate NEPA that Justice Thomas has warned against.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		7B	<p>Beyond Nuclear (Letter 5, p. 24)</p> <p>In fact, Beyond Nuclear asserts that NEPA is to be interpreted to guard against and prevent such misinformed and misleading actions. "The existence of a "viable, but unexamined alternative renders an environmental impact statement inadequate." ... Agencies must therefore "study significant alternatives suggested by other agencies or the public"</p>
		7C	<p>NEI (Letter 4, p. 9)</p> <p>The issuance of a renewal license and the initiation of the period of extended operation under that renewal license are part of the same Federal action; there is no additional "connected action." Therefore, the potential environmental impacts of the proposed license renewal are considered together, not piecemeal. There is simply no showing of any attempt by the NRC to avoid consideration of the environmental impacts associated with license renewal projects, or to deprive the public of information related to those impacts, by dividing a larger project into smaller units.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
7.2	<p>Setting [the] maximum advance date for the submission of a relicensing application at 20 years in effect needlessly restricts the substance of the Environmental Review by fixing its analysis unreasonably and prematurely from an application's expiration date and the beginning of impact from the proposed Federal action. By setting the application's Environmental Review at a maximum of 20 years in advance of the impacts from the Federal action, the regulation as currently written effectively limits the scope and content of an Environmental Review rendering it a speculative venture and a snapshot on the recent past rather than a "rigorous" and "objective" assessment of what is "reasonably foreseeable."</p> <p>Related Comments: 7D-E</p>	7D	<p>NEI (Letter 4, p. 15)</p> <p>It is well-established that the scope of the environmental review required in connection with license renewal is appropriately limited; that limited scope of review has been consistently upheld. 20 NRC regulations do require a discussion of alternatives by both the applicant (in the Environmental Report) and the NRC Staff (in the Supplemental Environmental Impact Statement) in connection with renewal applications.</p>
		7E	<p>NextEra (Letter 4, p. 10)</p> <p>The Supreme Court in Vermont Yankee made clear that "the concept of alternatives [under NEPA] must be bounded by some notion of feasibility." 435 U.S. at 551. As a result, "agencies are not required to consider alternatives that are remote and speculative." ... Instead, agencies "may deal with circumstances as they exist and are likely to exist." Id. While there "will always be more data that could be gathered," agencies "must have some discretion to draw the line and move forward with decisionmaking." ... The Commission's decision to allow licensees to file LRAs in accordance with 10 C.F.R. § 54.17(c) and perform its environmental review along that timeframe is a valid exercise of this discretion.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
7.3	<p>An application for relicensing submitted 20 years in advance of the current license expiration date cannot reasonably be determined to be "sufficiently complete" nor reasonably be represented to "rigorously explore and objectively, evaluate all reasonable alternatives."</p> <p>Related Comments: 7F-K</p>	7F	<p>Beyond Nuclear (Letter 5, p. 9)</p> <p>Beyond Nuclear argues that it is not reasonable to consider that an Environment Report based on data that is 20 years and older can solely constitute the foundation for an "adequately studied" Environmental Impact Statement prepared by the NRC. Beyond Nuclear argues that this in fact constitutes a violation of NEPA principles, as the harm that NEPA seeks to prevent is complete when the agency makes a decision without sufficiently considering information that NEPA requires be placed before the decision-maker and public.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		7G	<p>Beyond Nuclear (Letter 5)</p> <p>(paraphrased) An application that is filed 20 years in advance of a 2030 expiration date relies on conclusions made 34-years before the requested action stretches the veracity and validity of the Environmental Report to an amassing of outdated and meaningless details for the agency's preparation of an Environmental Impact Statement. For example, in the Seabrook relicense application, filed in 2010, the preponderance of expert documentation about renewable alternatives is gathered from 2008, effectively freezing the environmental evaluation for the Region of Interest 22 years from the requested federal action. It is disingenuous to characterize that data 22 to 34 years out from the requested action as "sufficiently complete" as NEPA is established to require. NextEra Seabrook Nuclear LLC relies upon the 20-year advance provision in 10 CFR 54.17(c) to truncate its alternative evaluation and justify the omission of more recent expert and expert agency documents from 2009 and 2010.</p> <p>Beyond Nuclear submits that it has proffered 21 expert and expert agency documents as exhibits in its October 20, 2010 Petition in Request of a Public Hearing and Leave to Intervene before the Atomic Safety Licensing Board. Moreover, NextEra's environmental review omits the documentation on the offshore and deepwater wind alternative as well as other renewable energy alternatives including wave and tidal power and solar power in the Region of Interest.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		7H	<p>Beyond Nuclear (Letter 5)</p> <p>The Petitioner argues that an application submitted to the extreme of approximately 20 years before a requested license extension provides for and harbors the intent to deliberately or indirectly place the consideration of reasonable alternatives over a horizon of reasonable consideration by the agency.</p> <p>The issue of the Petitioner's significant concern regards whether or not an honest, accurate, informative and sufficiently complete Environmental Report for environmental consequences from federal actions can be reasonably submitted and concluded as much as 18 to 20 years in advance of the requested action.</p>
		7I	<p>Beyond Nuclear (Letter 5, p. 10)</p> <p>If the agency establishes the cut-off date for such new and significant information as much as two decades in advance of the requested action, that agency has established an unnecessary and artificial, arbitrary and capricious exclusionary clause that effectively runs counter-purpose to NEPA aims and the NRC's own codified statutory obligations.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		7J	<p>NEI (Letter 4, p. 15)</p> <p>As a matter of administrative law, "agencies have broad discretion to formulate their own procedures-and the NRC's authority in this respect has been termed particularly great." Similarly, although "an agency may alter its rules in light of its accumulated experience in administering them ... [a]n agency must, however, offer a reasoned explanation for the change." ... Petitioners' request for relief provides no such reasonable basis for overturning the NRC's current license renewal framework. Moreover, in the context of environmental regulations, the Supreme Court has made clear that "NEPA does not require agencies to adopt any particular internal decisionmaking structure;" ..., and that "the only procedural requirements imposed by NEPA are those stated in the plain language of the Act." ... Therefore, the Court found, "it is clear that NEPA cannot serve as the basis for a substantial revision of the carefully constructed procedural specifications of the APA."</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		7K	<p>NextEra (Letter 4, p. 10)</p> <p>But "NEPA does not require agencies to adopt any particular internal decisionmaking structure." .... In fact, the Commission has "broad discretion" to structure its NEPA inquiries.</p> <p>.... As the Supreme Court made clear in Vermont Yankee over 30 years ago, "it is clear" that NEPA does not provide any basis for adding procedural requirements beyond the "carefully constructed procedural specifications" imposed by the Administrative Procedure Act. ... Vermont Yankee also explained that "the only procedural requirements imposed by NEPA are those stated in the plain language of the Act." ... The Commission has decided that its safety review of LRAs under the Atomic Energy Act can be initiated with 20 years remaining on the current license and NEPA cannot compel a different procedural timetable. Accordingly, Petitioners claim that NEPA requires the NRC to amend 10 C.F.R. § 54.17(c) to allow for a later analysis of alternatives finds no support in law.</p>
7.4	<p>As an example, on June 1, 2010, NextEra, also known as Florida Power &amp; Light, submitted its application for the relicensing the Seabrook nuclear power plants on the New Hampshire seacoast 20 years in advance of its current 40-year operating license expiration date identified as March 15, 2030.</p> <p>Given that the proposed relicensing period for which the proposed Federal action is being taken is for the period of 2030-250, Chapter 7 of the Seabrook License Renewal Environmental Report provides a dated, incomplete and meaningless assessment of Energy Alternatives and is biased towards the requested relicensing action.</p> <p>NextEra's Environmental Review briefly discusses</p>	7L	<p>Mark Strauch (Letter 1)</p> <p>Petitioner would have one believe that a 20 year renewal window somehow circumvents or frustrates NEPA. It does no such thing. This assertion is predicated on the (misguided) belief that somehow there will be dramatic changes in how solar, wind, or other renewables penetrate the grid. When employed, I watched the California Altamont wind farm in dismay every day. I look forward to Cape Wind being litigated over the next decade. Consumers and energy regulators need certainty in the near, mid, and long-term horizon. Early nuclear power plant license renewal injects more certainty, not less, in that process.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
	<p>in its "Wind Power" and concludes that "The scale of this technology is too small to directly replace a power plant the size of Seabrook Station; capacity factors are low (20 to 40 percent), and the extensive land requirement (23,280 acres) with the desired wind regimes is limiting. Therefore, NextEra Energy Seabrook has concluded that wind power is not a reasonable alternative to Seabrook Station license renewal."</p> <p>However, with regard to the period of 2030 to 2050 for the requested federal action the proffered Environmental Review necessarily fails because its evaluation is but a premature snapshot of the recent past. The federal decision for the requested relicensing is therefore to be made in the void of technological developments in clean renewable energy.</p> <p>Clearly the application did not consider and makes no mention of New Hampshire's offshore wind potential as identified by the National Renewable Energy Laboratory at the United States Department of Energy in its offshore wind rating for New Hampshire as "good to outstanding". 9 Given that the 10 CFR 54.17 provides for a premature snapshot, NextEra's Environmental Review similarly did not discuss that on April 29, 2010 the federal government approved the Cape Wind Farm precedent-setting offshore wind farm in the United States, which is also within the Region of Interest for the Seabrook Environment Report.<sup>9</sup> The Environment Report's exclusion by rule of a continuing succession of alternative advances is further illuminated by in a June 2010 announcement of a consortium</p>		

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
	<p>comprised of the governors of ten East Coast states including New Hampshire, the Department of Interior calling for the development of offshore wind on the Continental Shelf." Department of Energy currently estimates that 20% of the nation's electricity can be generated by wind by 2030.</p> <p>Related Comments: 7L-M</p>		
		7M	<p>Mark Strauch (Letter 1)</p> <p>Petitioner's conclusions convey no demonstrable safety, security, or environmental concerns regarding Seabrook; just their ideological opposition. This petition needs to be rejected.</p>
<b>8.0</b>	<b>General Comments</b>		
8.1	<p>Topic: General comments of support or opposition to the petition.</p> <p>Related Comments: 8A-C</p>	8A	<p>Marie Mackowolweiz via Earth Day Commitment (Letter #2) NRC to amend its regulations... to permit a license renewal application no sooner than 10 years before the expiration of the current license and apply the rule to all license renewal applications that have yet been issued in NRC staff Final Safety Evaluation Report. This can lead the way to a safer means of energy resource.</p>
		8B	<p>STARS (Letter 6)</p> <p>Endorsement of the NEI comment "...Petitioners have presented no new information that contradicts the agency positions reflected in the existing license renewal rule or provides sufficient cause to modify those positions."</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		8C	<p>NEI (Letter 4, p. 5)</p> <p>The Petition fails to provide adequate legal, factual or policy-based support for the assertions it makes or the relief it seeks. By raising issues the Commission has already considered in promulgating its license renewal rules, the Petition ignores the carefully crafted regulatory framework, including 10 CFR 54.17(c), that supports license renewal. Other aspects of the Petition address topics that are managed by the Commission's ongoing regulatory oversight processes and regulations, which should not be addressed through changes to the license renewal rules. Significantly, Petitioners present no new information that contradicts NRC positions in the existing renewal rule or that provides sufficient cause to modify those positions. Under such circumstances, ample precedent exists to support denial of the Petition.</p>
8.2	<p>Topic: Adjudicatory challenges</p> <p>Related Comments: 8D</p>	8D	<p>Beyond Nuclear (Letter 5, p. 12)</p> <p>The Petitioner argues that the NRC and the industry would significantly benefit by avoiding subsequent adjudicatory challenges if the industry were required to wait to make application no more than ten (10) years in advance of the application, when such trends, studies, agreements and commercial ventures were more distinctly and discretely developed. The 10 year cut off would provide the agency with a more reasonable vantage for assessing consequences and the alternatives for the Environmental Impact Statement in compliance with NEPA and NRC obligations.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
8.3	<p>Topic: impact of the proposed rule change.</p> <p>Related Comments: 8E-I</p>	8E	<p>Beyond Nuclear (Letter 5, p. 14)</p> <p>The requested rule change from 20 years to 10 years would not affect a large number of licensees but would significantly improve the reliability and validity of the remaining environmental reviews.</p>
		8F	<p>STARS (Letter 6)</p> <p>Endorsement of the NEI comment "...granting the Petition could disrupt utility planning for future electric generation, at a time when continued operation of the nuclear fleet (which license renewal facilitates) is needed to ensure a reliable energy supply."</p>
		8G	<p>NEI (Letter 4, p. 3)</p> <p>Allowing renewal applications to be submitted no earlier than 10 years before the expiration of the current OL would leave inadequate time to prepare for development of alternative power sources if license renewal is denied. This is particularly true in the case of a 5-year NRC licensing review scenario like that described above. Industry experience indicates that five years is almost certainly inadequate to obtain the necessary permits and financing, complete construction and bring another generation source on line.' From a policy perspective, granting the Petition could disrupt utility planning for future electric generation, at a time when continued operation of the nuclear fleet (which license renewal facilitates) is needed to ensure a reliable energy supply. Given the significance of nuclear power to the Nation's long-term energy security, and the number of license renewal applications now pending at the NRC or expected to be filed in the next several years, such a result is untenable.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		8H	<p>NEI (Letter 4, p. 5)</p> <p>The issues Petitioners raise concerning the timing of license renewal applications were fully and thoughtfully considered by the Commission in the 1991 rulemaking promulgating 10 CFR Part 54....</p> <p>[the] NRC discussion accompanying promulgation and amendment of the license renewal rules clearly sets forth the agency's informed decision that the 20-year lead time allowed for submittal of LRAs under 10 CFR 54.17(c) is appropriate. By urging the Commission to re-interpret and contort the license renewal regulatory framework to achieve the result they seek, Petitioners ignore this important regulatory history. NRC established its renewal process through extensive and transparent rulemakings, as a valid exercise of its broad statutory authority. The resulting license renewal rules reflect reasoned determinations and policy judgments concerning the renewal process, including the schedule for filing renewal applications. Petitioners fail to present any information that undermines those agency judgments or otherwise shows that the renewal process is flawed as a matter of law, policy or licensing experience. The Petition should therefore be denied.</p>

PRM 54-6 Petition for License Renewal Rulemaking Comment Matrix

Category ID #	Petition Argument	Comment ID #	Related Comments
		8l	<p>NextEra (Letter 3, p. 2)</p> <p>The NRC has denied several petitions requesting that it amend its license renewal rules because the "petitioners did not present any new information that would contradict positions taken by the Commission when the license renewal rule was established or demonstrate that sufficient reason exists to modify the current regulations." <i>Id.</i> See also Friends United for Sustainable Energy; Denial of Petitions for Rulemaking (PRM-54-4), 72 Fed. Reg. 63,141 (Nov. 8, 2007); Eric Epstein; Denial of Petitions for Rulemaking (PRM-54-5), 73 Fed. Reg. 44,671 (July 31, 2008). This Petition should be denied for the very same reason-the arguments it presents were either addressed in the NRC's license renewal rulemaking or simply provide insufficient grounds to modify Part 54.</p>