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Meeting Title: Brief on Status of Proposed Rule on License Renewal
 Meeting Date: 1/30/90 Open X Closed _____

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Title: BRIEFING ON STATUS OF PROPOSED RULE ON LICENSE RENEWAL

Location: ROCKVILLE, MARYLAND

Date: JANUARY 30, 1990

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BRIEFING ON STATUS OF PROPOSED RULE
ON LICENSE RENEWAL

- - - -

PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Tuesday, January 30, 1990

The Commission met in open session, pursuant to notice, at 2:00 p.m., Kenneth M. Carr, Chairman, presiding.

COMMISSIONERS PRESENT:

KENNETH M. CARR, Chairman of the Commission
THOMAS M. ROBERTS, Commissioner
KENNETH C. ROGERS, Commissioner
JAMES R. CURTISS, Commissioner
FORREST J. REMICK, Commissioner

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STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM C. PARLER, General Counsel

JAMES TAYLOR, Executive Director for Operations

ERIC BECKJORD, Director, Office of Research

DR. THOMAS MURLEY, Director, Office of Nuclear Reactor
Regulation

DR. WARREN MINNERS, Deputy Director, RES/DSIR

DONALD CLEARY, Senior Task Manager, RPSIB, RES

WILLIAM TRAVERS, Chief, Emergency Prep. Branch, NRR

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P-R-O-C-E-E-D-I-N-G-S

2:00 p.m.

1
2
3 CHAIRMAN CARR: Good afternoon, ladies and
4 gentlemen.

5 The purpose of today's meeting is for the
6 NRC staff to brief the Commission on the status of
7 rulemaking on license renewal. The Commission was
8 last briefed on the subject of license renewal
9 rulemaking on June 22nd, 1989. In October of 1989,
10 the Commission agreed to hold a public workshop to
11 discuss the NRC staff's preliminary, regulatory
12 philosophy, a conceptual license renewal rule and a
13 schedule.

14 Today, the staff plans to brief the
15 Commission on the comments provided at the workshop
16 and discuss a proposed course of action and schedule
17 for license renewal activities. I understand that
18 comments received during and subsequent to the
19 workshop indicate general agreement with the staff's
20 regulatory philosophy and approach to license renewal.

21 During the meeting, I would ask staff to
22 focus on those areas where there are divergent views
23 and explain the basis for the staff's position on
24 these issues.

25 Copies of the slide presentation and the

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1 staff's paper, SECY-90-021, are available at the
2 entrance to the meeting room.

3 Do my fellow Commissioners have any opening
4 comments?

5 If not, Mr. Taylor, please proceed.

6 MR. TAYLOR: Good afternoon. With me at the
7 table, starting from my far right, from the Office of
8 Research, Don Cleary, Warren Minners, and the
9 Director, Eric Beckjord. To my left, Tom Murley and
10 Bill Travers from the Office of NRR.

11 The regulatory approach that the staff
12 proposes for license renewal is founded on two key
13 principles. The first principle is that the current
14 licensing basis at a specific reactor provides and
15 maintains a level of safety for operation during the
16 initial term, which is sufficient to provide adequate
17 assurance of public health and safety, and that the
18 same level of safety is also adequate for continued
19 operation during any renewal period.

20 The second, and equally important, principle
21 is that any license renewal policy must provide
22 assurance that the level of safety provided by a
23 nuclear power plant's current licensing basis will not
24 degrade during the renewal period.

25 With those two principles, I'll now turn the

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1 meeting over to Eric Beckjord from the staff for
2 presentation.

3 MR. BECKJORD: Thank you.

4 Mr. Chairman, Commissioners, we're
5 presenting to you today the report on the license
6 renewal workshop of November 13th and 14th of last
7 year and the proposed revision to the program plan and
8 schedule for rulemaking. The full report is included
9 in the Commission paper, SECY-90-021, dated January
10 17th, 1990.

11 Mr. Taylor has already stated the basic
12 approach. I'll go on and say that the workshop was
13 attended by more than 200 representatives of industry
14 and we received their views on the many aspects of
15 this important endeavor.

16 We're recommending changes in the program
17 plan as a result of what we heard at that meeting. We
18 are accepting some of the positions suggested by
19 industry representatives and standing firm on others.
20 The program plan is a better one for having held that
21 meeting.

22 The schedule of the program is tight. The
23 staff is resource limited for this activity and faces
24 a considerable challenge to meet the proposed
25 schedule. We intend to do everything reasonably

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1 possible to meet that schedule. We do not have much
2 margin to respond to upsets or additional requirements
3 beyond what we've described in the paper.

4 With that, I think we're ready to proceed.

5 Mr. Minners?

6 DOCTOR MINNERS: (Slide) Could I have the
7 second slide, please?

8 I think the objective, Eric has already
9 stated it.

10 (Slide) And on the third slide, this lists
11 the topics to be discussed, to go over these subjects
12 and we'll end up with the important part of it, which
13 is the program plan and schedule that the staff now
14 proposes to follow.

15 (Slide) On the fourth slide is a general
16 outline of the workshop which was noticed in the
17 *Federal Register* in October 13th and it's Enclosure 1
18 to the Commission paper. The agenda of the workshop
19 focused on aging and that was the subject of the
20 discussions. But also included was a conceptual rule,
21 a previous version than the one that's included in the
22 Commission paper. That was discussed also at the
23 workshop.

24 The workshop sessions are described in
25 Enclosure 2 to the paper and it was held on November

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1 13th. As I said, focused on aging and it was a
2 cooperative exercise by NRR and Research and OGC, and
3 they were generally co-session leaders or co-leaders
4 of each session as appropriate. The co-leaders
5 developed sets of questions which were put into a
6 packet and distributed to attendees and then these
7 were used during each session to lead people and kind
8 of guide the discussions.

9 Three hundred people were invited to the
10 workshop. About 200 attended. They, of course, were
11 mostly industry people from NUMARC, the utilities,
12 nuclear steam supply system vendors,
13 architect/engineers, lawyers to the industry,
14 consultants. We, of course, had NRC staff there.
15 There were some NRC contractors there because they're
16 doing some work at license renewal for us. We had a
17 public interest group, the Nuclear Information and
18 Resources Group. We had another federal agency, DOE
19 attended, and people from four states attended. The
20 press was represented and we had one investment
21 counselor.

22 There was a transcript of the meeting taken
23 and, in addition to that, 12 written comments were
24 submitted by various attendees. These are being
25 reviewed and a report is being developed that

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1 summarizes the workshop. And the staff will also
2 produce a second report which will give the staff
3 responses to each of these summarized comments. These
4 reports will be part of the package that's submitted
5 along with the rule when it's presented to the
6 Commission and put out for public comment.

7 (Slide) May I have the fifth slide, please?

8 Of the many comments that were given at the
9 workshop, we believe at this time there are eight
10 major issues which I'd like to discuss. They are
11 discussed in more detail in Enclosure 3 to the paper.

12 (Slide) The first issue is on slide 6 and
13 it's what we call the generic environmental document
14 which is the critical path in the schedule. Both the
15 technical work required to do the document and the
16 procedural aspects of doing things at certain times
17 makes up the critical path.

18 COMMISSIONER REMICK: Excuse me, Warren. Is
19 there any significance to the use of the word
20 "document" versus "report"? One usually thinks of an
21 environmental report and I see this is environmental
22 document. Any significance attributable to that?

23 DOCTOR MINNERS: I'm not a big man on
24 environmental law, but I understand environmental
25 report is usually reserved for the report that the

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1 licensee produces in his plant. We call this a
2 document because we don't know whether to call it an
3 assessment or an impact statement or maybe it will
4 just be some kind of a document that's referenced. I
5 guess its legal status is not entirely settled at this
6 time how we're going to use it. So, we've tried to
7 give it a kind of amorphous name that doesn't mean
8 anything at the moment.

9 COMMISSIONER REMICK: Is this the first
10 we've used that terminology? Just curiosity.

11 MR. PARLER: As far as I know. The
12 explanation that Mr. Minners gave is essentially
13 correct, at least as I understand it. It isn't clear
14 yet whether an assessment will do the job or whether
15 an environmental impact statement would be required.
16 If you call something an environmental impact
17 statement, there's an established routine that you
18 have to go through. So, the approach here is to find
19 out a little bit more what the Agency would have to
20 have to do the requisite job to comply with NEPA and
21 then proceed. It's kind of like a -- so, it's being
22 used for that purpose.

23 COMMISSIONER REMICK: So, it's
24 characteristics are more like an environmental impact
25 statement or assessment versus an environmental report

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1 that a licensee might submit?

2 MR. PARLER: That's true.

3 COMMISSIONER REMICK: I see. Okay.

4 DOCTOR MINNERS: We're writing the document
5 and the only question is what label to put on the
6 front page.

7 Since it's the critical path, we were trying
8 to find some way of speeding up the proceedings. In
9 the previous SECY paper, 89-275, we presented Option
10 2, which decoupled the license renewal rulemaking from
11 the environmental rulemaking. That's what we're
12 proposing to do now. So, what we intend to do is to
13 work two separate paths. One will be a Part 54
14 Rulemaking which will supplement the current 5051 rule
15 for license renewal, and provide standards and
16 procedures for license renewal and applicants. There
17 will also be some conforming changes to 2.109, 50.109
18 and 51.20. This rulemaking will be supported by an
19 environmental assessment which is essentially done at
20 this time, and the objective is to have this rule out
21 in May of '91 so that it will be in place before we
22 receive the first license renewal application from
23 Yankee-Rowe.

24 Now, in parallel with that is the
25 environmental rulemaking. This will be supported by

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1 this generic environmental document. The schedule--
2 the limitations, first of all, we have to go out for a
3 *Federal Register* notice with a notice of intent and
4 follow some procedural things. Then just, as I say,
5 the work to develop this document means that we can't
6 get it done until April of '92. But that will be
7 before we issue the first license.

8 The industry supports our goals in producing
9 the generic environmental document. That is to try to
10 generically take care of as many environmental issues
11 as possible in that document and not have to litigate
12 them in each individual license renewal.

13 But they want to have a license renewal rule
14 issued before the first application is tendered in
15 June of '91. So that -- we're all agreed that that's
16 what we're going to try to do. And as Eric said,
17 that's a tough schedule and doesn't have much slack in
18 it, but we're going to try to do it.

19 COMMISSIONER CURTISS: Warren, two questions
20 on the approach. You've indicated that you haven't
21 yet decided whether there'll be significant
22 environmental impacts in the Part 51 rulemaking.
23 Presumably what you're looking at now is an
24 environmental assessment-type review, even though you
25 call it a GED here. In proceeding down that path, are

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1 you, from the standpoint of issues like scoping of the
2 EIS process, are you treating this as if it's an EIS
3 so that if you get to the stage where you find that
4 significant impacts will, in fact, result, but in turn
5 require an EIS, you will have done all those
6 procedural steps along the way?

7 DOCTOR MINNERS: That's correct, yes.

8 COMMISSIONER CURTISS: Okay.

9 COMMISSIONER REMICK: Warren, I'm not sure I
10 understand why rulemaking is required for Part 51.
11 What in 51 needs to be revised?

12 DOCTOR MINNERS: Well, Part 51 now requires
13 an impact statement to be written. We are changing
14 the Part 51 to allow an environmental assessment to be
15 made. That's proper, if we can make that finding.
16 But I think the bigger thing is is that what we are
17 trying -- not so much what has to be changed, is that
18 we want to provide a generic rule that takes care of
19 these issues and we don't have to do it in individual
20 cases.

21 COMMISSIONER CURTISS: I take it what you're
22 looking at is an S type table that would plug into
23 Part 51?

24 DOCTOR MINNERS: Yes.

25 COMMISSIONER CURTISS: The same kind of

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1 concept?

2 DOCTOR MINNERS: That concept, yes.

3 (Slide) On slide 7, is a discussion of the
4 regulatory guides that will be in support of
5 rulemaking. These will be on a separate schedule
6 which will be not accelerated along with the Part 54
7 rulemaking, and it will be more on a schedule like the
8 Part 51 rulemaking.

9 We now are working on a regulatory guide
10 which will provide the format and content for license
11 renewal and applications. The Commission should see a
12 draft of this in December of '90 and then with a
13 review and approval process and comment period, that
14 will allow it to be issued in April of '92, about the
15 same time that Part 51 is finalized. This delay is
16 necessary because you can't really write the format
17 and content document until you know what the rule is
18 going to contain. So, the rule's draft will be out in
19 June of '90 and so then we can really begin to write
20 this reg. guide.

21 Another very important guidance for license
22 renewal is a screening method. This is to go through
23 and determine which components are safety related, are
24 subject to degradation and need additional programs to
25 assure that their degradation is not detrimental.

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1 This screening method report is being developed by
2 NUMARC. In fact, they submitted it last October. Our
3 intent is to review it and issue an SER endorsing it
4 or modifying it as necessary and then that will become
5 the licensing guidance that applicants can use.

6 COMMISSIONER REMICK: It seems to me that
7 that particular document could be subject to
8 challenge. What are you doing from the staff's
9 standpoint to make sure that that's as thorough
10 analysis and consideration as can be given so that
11 later challenges would not be successful to it?

12 DOCTOR MINNERS: Well, I think we're giving
13 it as good a technical review as we can and that would
14 be documented in the SER. I guess that's similar to
15 the way that we have done other topical reports and
16 the way that we have done applications. And the
17 defense of the report, I guess, will have to be from
18 the SER.

19 COMMISSIONER REMICK: How broad is that
20 review within the staff? Do you have an internal peer
21 committee of -- how do you assure that you get
22 adequate staff review of this?

23 DOCTOR MINNERS: Well, I think we're sending
24 it to all of the technical branches in both Research
25 and in NRR and getting people's comments in that way.

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1 We have -- so, it's getting all a wide breadth of
2 technical review.

3 MR. TRAVERS: I might just add that in
4 addition to that, we're also going to the ACRS for
5 review of each of these documents. We're going to be
6 interacting with them in all stages of these reviews.

7 COMMISSIONER ROGERS: Excuse me. That
8 report, is that the one that's entitled, "Methodology
9 to Evaluate Plant Equipment?"

10 MR. TRAVERS: No, sir.

11 COMMISSIONER ROGERS: No?

12 COMMISSIONER CURTISS: Let me ask a related
13 procedural question on that. If it -- as I understand
14 your intention, the bulk of the screening process will
15 be set forth in one of these reg. guides. Does that,
16 in turn, mean that the -- even subject to the scrutiny
17 that the technical staff gives the document, that the
18 decisions that are made on screening, which would be a
19 very critical part of the process, are, in turn,
20 subject to litigation of the proceeding, that it'd be
21 fair game for the proceeding?

22 MR. PARLER: I suppose since the magic word
23 "litigation" was mentioned, that I, instead of Doctor
24 Minners, should answer the question or try to answer
25 the question. I think that if the product of the

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1 screening effort, as I understand it, are supposed to
2 be technical aids, degradation requirements in a new
3 Part 54. Those requirements, after they go through a
4 rulemaking proceeding, would not be subject to
5 challenge and litigation in an individual plant
6 renewal proceeding.

7 However, as you may recall, we have another
8 provision in our rules that provide for somebody to
9 try to challenge, and it's kind of difficult, an
10 existing regulation because of special circumstances.
11 I assume that the kind of background question that you
12 asked might be the predicate for somebody to try and
13 show special circumstances and that therefore the
14 existing regulatory requirements were not adequate to
15 deal with the special circumstances and therefore the
16 procedures in 275(a) should be evoked.

17 COMMISSIONER CURTISS: Okay.

18 COMMISSIONER REMICK: It wasn't clear to me,
19 however, that the screening methods would be in the
20 rule. Is that the intent?

21 DOCTOR MINNERS: A requirement to have a
22 screening method would be in the rule, but the details
23 of the screening method would be in this report.

24 COMMISSIONER REMICK: The technical
25 requirements would be in the report and that's why I

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1 thought that might -- if not thoroughly done, it might
2 be subject to challenge at a later date.

3 COMMISSIONER CURTISS: I take it it would be
4 subject to challenge.

5 DOCTOR MINNERS: I would think so.

6 COMMISSIONER CURTISS: If the requirement to
7 have a screening process, which is a simple statement
8 that there shall be a screening process, is what the
9 rule contains with the details of what the screening
10 process entails set forth in a reg. guide, I take it
11 while the rule itself cannot be challenged except
12 under rare circumstances, that the actual process of
13 going forward and applying the reg. guide for
14 screening to an individual plant would be fair game in
15 the adjudicatory proceeding.

16 DOCTOR MINNERS: Well, it certainly would be
17 part of the staff's technical review, whether we agree
18 with their screening.

19 COMMISSIONER CURTISS: Okay.

20 DOCTOR MINNERS: In addition to this report,
21 the industry is developing ten other technical reports
22 which discuss the aging management requirements for
23 other components, like the vessel, the containment,
24 things like that.

25 We have received two of these already and we

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1 are scheduled to have them all by August of '90.
2 That's a recent revision of the industry schedule and
3 we're working on a schedule to review these and we're
4 going to have a meeting next week to try to set that
5 schedule on the review of the reports which will then
6 be used in license applications and can be referenced
7 by applicants as the way that they're going to do
8 their aging management.

9 COMMISSIONER REMICK: Excuse me. Go ahead.

10 CHAIRMAN CARR: I notice you shifted the
11 responsibility for those from Research to NRR. Can
12 you --

13 DOCTOR MINNERS: The review of those?

14 CHAIRMAN CARR: Yes.

15 DOCTOR MINNERS: Yes, sir.

16 CHAIRMAN CARR: Why did you see fit to do
17 that?

18 DOCTOR MINNERS: Well, I'm not sure of all
19 the reasons. I think that NRR has both the technical
20 expertise and probably a closer perspective on
21 licensing requirements than Research does. I don't
22 know if NRR wants to make a comment on --

23 CHAIRMAN CARR: Well, am I wrong? Is there
24 not Research back-up required to make those figures?

25 DOCTOR MINNERS: Research is -- NRR is the

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1 lead in that and Research is participating in it. We
2 are giving them our technical review, yes. But the
3 lead is in NRR.

4 CHAIRMAN CARR: I guess my concern is that
5 we get enough interaction in there that we don't miss
6 our dates of who's waiting on whom, you know. I know
7 if Research has got both ends of the ball, I can point
8 to him. But if I start to beat on him and he says,
9 "Research is holding me up," I'm going to worry.

10 MR. TAYLOR: They're both staff. We'll work
11 on it.

12 DOCTOR MURLEY: Typically, NRR is the
13 responsible office for issuing SERs. Of course
14 we've --

15 CHAIRMAN CARR: But the one up above you
16 won't be primarily responsible for it, right?

17 DOCTOR MURLEY: The Guide on Format and
18 Content?

19 CHAIRMAN CARR: No, the screening report.
20 It was my understanding you're only on the ten at the
21 bottom. Is that right?

22 DOCTOR MURLEY: No.

23 CHAIRMAN CARR: NRR's got all of them?

24 DOCTOR MINNERS: All of the industry reports
25 are --

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1 CHAIRMAN CARR: Okay.

2 MR. BECKJORD: Ten reports plus the
3 screening.

4 DOCTOR MINNERS: Research is doing the reg.
5 guide on format and content.

6 COMMISSIONER ROGERS: Just before you leave
7 that topic, are there -- how do those topics get
8 decided upon that those reports are being written?
9 How did that list get generated and do you expect any
10 additions to that list?

11 DOCTOR MINNERS: Well, I think that's one of
12 the things that we have to decide and whether there
13 should be additions to the list. People have to
14 decide that we've covered all of the important
15 components and issues.

16 COMMISSIONER ROGERS: Is this an industry
17 initiative to begin with --

18 DOCTOR MINNERS: Yes, it was.

19 COMMISSIONER ROGERS: -- and offered to
20 produce the list and --

21 DOCTOR MINNERS: Yes, sir.

22 COMMISSIONER ROGERS: So we're taking them
23 as they come in? I'm just a little unclear as to what
24 the process is that's at work here.

25 MR. BOSNAK: Commissioner Rogers, my name is

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1 Bob Bosnak of Office of Research.

2 CHAIRMAN CARR: I missed your name.

3 MR. BOSNAK: One of the things that we've
4 been talking about -- pardon me?

5 CHAIRMAN CARR: I missed your name.

6 MR. BOSNAK: It's Bob Bosnak, Office of
7 Research.

8 Our Division has been responsible for the
9 ANPR Program, the aging research program. One of the
10 reasons why the Office of Research is involved is that
11 we've been doing and interacting with the contractors
12 performing the research on where things degrade, how
13 fast they degrade, what's important to look at. So,
14 those things are involved.

15 We've talked with the industry several times
16 about whether or not the topics that they have are the
17 right ones. You could cut the area a different way
18 and look at things like fatigue, but they've decided
19 to cover those in all of their reports. So, there are
20 a lot of different ways of looking at it. We hope by
21 the time we're all through that everything will be
22 covered.

23 COMMISSIONER ROGERS: Well, but that just
24 leaves me a little uncomfortable. Do you have to wait
25 until the end of the process to make that decision?

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1 Do you have to get all the reports in to decide
2 whether you have an adequate collection or not? Isn't
3 it possible to reevaluate this as you go along --

4 MR. BOSNAK: These are the critical areas.
5 I think we've identified those as being the critical
6 areas. So, on that, we're happy. It's a question of
7 whether or not each of the reports will cover key
8 areas. That we're not sure of until we see the
9 reports.

10 COMMISSIONER REMICK: Before leaving this
11 area, I had two questions. I had a concern related to
12 Chairman Carr. I shouldn't say concern, but an
13 observation, also noting that NRR was going to be
14 doing this. But I kind of leaned in favor of that
15 because I think NRR is familiar with licensing
16 reviews. But it does raise the questions where you
17 have two offices involved in the same thing and that's
18 coordination and management of that. Have you
19 considered anything like a task force or anything to
20 make sure that time schedules are met and people know
21 who is reviewing what at what time, since there are
22 two offices involved?

23 MR. BECKJORD: Well, we have that. Doctor
24 Speis is taking the lead on this and Bill Travers, I
25 believe, is going to be performing in that role for

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1 NRR.

2 COMMISSIONER REMICK: They have the
3 authority from the EDO to --

4 MR. TAYLOR: Yes.

5 COMMISSIONER REMICK: -- knock heads and so
6 forth as necessary?

7 MR. TAYLOR: I help.

8 COMMISSIONER REMICK: All right. Good.

9 Another question. You indicated you
10 received two of these industry reports. Based on a
11 preliminary evaluation, do you have any views on
12 adequacy or thoroughness or anything that we should
13 know at this time?

14 DOCTOR MINNERS: Well, I don't think there
15 are any fatal flaws in the reports. I think the staff
16 has come up with some very usual kind of comments.
17 That would be my impression.

18 Bob, do you have a different view?

19 MR. BOSNAK: No. I agree there are no fatal
20 flaws. I think the things that we have to go back
21 on -- there's two that we've looked at. One is a
22 containment and the other is a BWR vessel. The
23 degradation mechanisms, we think, in both reports are
24 very well covered. Some of the criteria on which the
25 individual plants will have to take action are not

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1 well covered and those are the things we have to
2 interact with NUMARC on.

3 CHAIRMAN CARR: Thank you.

4 DOCTOR MINNERS: All of this licensing
5 guidance here will be also supported by SRPs, which
6 will be used by the staff during the application
7 review to guide the staff on how to use this guidance.

8 (Slide) Another subject which I think the
9 Commission also has a great interest in is the use of
10 probabilistic risk assessment in license renewal. I
11 think everybody agrees that PRA is useful. We believe
12 now that no PRA requirement specifically for license
13 renewal purposes will be required in the rule. The
14 basis for this is that the method for incorporating
15 time dependent aging failure rates into a PRA is still
16 evolving, which makes these PRAs even more uncertain
17 than our snapshot PRAs. Also, there are no criteria
18 that people have agreed to on how to use the results
19 of the PRA, what components or systems would be
20 identified as being in need of attention.

21 But this does not mean that PRA won't be
22 around. As you know, all of the licensees must do an
23 individual plant examination and that will be
24 available. A later slide discusses severe accident
25 closure.

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1 COMMISSIONER REMICK: Excuse me. I
2 certainly agree. I don't see a need for a PRA
3 requirement list, but it seems to me if you did have a
4 PRA you could feed into that different estimates of
5 aging and see what importance that might have to
6 reliability of a system or to risk and so forth. So,
7 it seems to me that, one, if you have a PRA it
8 certainly might be useful to analyze the importance of
9 aging information.

10 MR. BECKJORD: We will have the PRA through
11 the independent --

12 COMMISSIONER REMICK: IPE, yes.

13 MR. BECKJORD: -- plant examination, which
14 will be completed --

15 COMMISSIONER REMICK: Yes.

16 MR. BECKJORD: -- before this.

17 COMMISSIONER REMICK: I just wanted to make
18 sure we didn't belittle PRA possibilities of providing
19 useful insight of aging.

20 DOCTOR MINNERS: We believe it's useful, but
21 we believe it's a little too uncertain to have as a
22 requirement.

23 COMMISSIONER REMICK: Yes, I agree.

24 DOCTOR MINNERS: (Slide) On slide 9, this
25 is the current licensing basis which Mr. Taylor

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1 discussed and Eric discussed. The guiding principle
2 here is that the current licensing basis, except for
3 age-related degradation concerns, is sufficient to
4 assure adequate protection in the renewal term as well
5 as in the current license.

6 At, I guess, a lot of the behest of OGC, we
7 are now in a large effort to write up a demonstration
8 that this is so, that the current licensing basis will
9 continue to be adequate in the renewal term. We
10 expect to have an extensive discussion in the *Federal*
11 *Register* notice statement of considerations that
12 demonstrates this.

13 MR. PARLER: May I make one comment, since
14 he said at the behest of OGC? It seems like it's just
15 a needless -- I'm sure you didn't intend this -- but a
16 needless legalism, a waste of scarce resources.

17 As I understand it, the objective here, of
18 course, is not only to have renewed plants which could
19 operate safely, et cetera, but to arrive at that
20 result without having the need to litigate unduly
21 specific either environmental issues or technical
22 issues in the individual plant life extensions. In
23 order to reach that result, if somebody wants to
24 challenge it, you have to have something better than
25 simply a statement that the staff believes that the

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1 current licensing basis is adequate, period. The
2 other side might say they don't believe that it is,
3 "Let's litigate it."

4 So, what the lawyers are trying to have done
5 is to have in the explanatory statement a rationale as
6 to why the current licensing basis is adequate.

7 MR. TAYLOR: The staff considers that good
8 guidance too. We intend to do that.

9 DOCTOR MINNERS: No, I didn't mean to
10 belittle the comment. It was just that we didn't give
11 it the proper emphasis until it was brought to our
12 attention.

13 MR. TAYLOR: It was pointed out to us as a
14 fault. We agree.

15 COMMISSIONER ROGERS: Are you going to say
16 more about that or are you going to turn to something
17 else?

18 DOCTOR MINNERS: Well, I was going to make
19 one more statement. The current licensing basis, we
20 are going to have a requirement in the rule that there
21 be a description of the current licensing basis in the
22 application. We believe this can be done mostly by
23 reference to things like the updated final safety
24 analysis report and we believe that this listing of
25 the current licensing basis in the application is

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1 necessary so that the requirements of the current
2 license are identified clearly and can be carried
3 forward in the renewal term.

4 COMMISSIONER ROGERS: I just -- the SECY
5 left me a little question in my mind as to whether it
6 was something I was not fully appreciating in that on
7 page 6 you stated, "The version of the conceptual rule
8 provided for the workshop required a description of
9 the current licensing basis in a license renewal
10 application and a staff determination that the basis
11 has been completely and accurately described."

12 And then you later on said, "Now, staff
13 proposes that applicants describe the current
14 licensing basis in their application."

15 DOCTOR MINNERS: Correct.

16 COMMISSIONER ROGERS: And then you go on to
17 say that, "Staff now believes that a determination of
18 completeness and accuracy is not necessary because
19 each license renewal applicant must perform a plant
20 evaluation."

21 So, I'm trying to understand how you're
22 going to judge the acceptability of the current
23 licensing basis statement if you don't apply some kind
24 of standards of completeness and accuracy and just how
25 you propose to deal with that. Do you think that what

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1 you've included in the conceptual rule in the latest
2 version that you gave us that the Part 54.23 standards
3 for issuance of a renewed license in the conceptual
4 rule, do you think that's sufficient? Is that what
5 you're going with now? I'm trying to understand what
6 the difference is between looking for completeness and
7 accuracy in the description and what it is that you're
8 going to look for.

9 DOCTOR MINNERS: Well, I think that's the
10 big change from the previous version of the rule. I
11 don't think that now we believe that the staff has to
12 do a review of that licensing basis. We expect the
13 applicant to provide a complete and accurate
14 description of the licensing basis. We believe that
15 that can be done and that in order to do his screening
16 procedure, the starting point is really his licensing
17 basis. So he has to know what his starting point is.
18 So, we think that there will be a good review and
19 evaluation of that licensing basis by the applicant
20 and it's not necessary for the staff to do that.

21 COMMISSIONER ROGERS: Well, do you think
22 there's going to be any question about what basis you
23 will find something acceptable and not acceptable,
24 whether there's a question in the minds of the
25 licensees or the applicants as to what you'll be

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1 looking for?

2 DOCTOR MINNERS: Well, I think the rule does
3 define what should be submitted as part of the current
4 licensing basis, if that's what you mean. I think
5 that's a fairly good description of what is required.

6 COMMISSIONER ROGERS: Well, it's really just
7 a question of completeness and accuracy, to what
8 extent you're going to make that judgment.

9 DOCTOR MINNERS: As I say, the staff is not
10 going to do a review. So, I don't think we have any
11 specific standards set forth in that, no.

12 DOCTOR MURLEY: Except, Commissioner, we did
13 put the language in 54.15 in an attachment that describes
14 what we expect to see in applications in terms of the
15 identification of the current licensing basis. So, we
16 took out that language and instead put in the draft
17 rule what we expect to see.

18 COMMISSIONER CURTISS: I guess I come at it
19 from a different angle. I think it's a move in the
20 right direction from what you originally circulated.
21 As I understand it, we're now going to require the
22 licensee to certify the current licensing basis in his
23 application. I take it that the principle here is
24 that it's not the current licensing basis that we're
25 concerned about litigating here. We are assuming,

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1 subject to the generic description in the statement of
2 considerations, that the current licensing basis in
3 fact provides adequate protection to public health and
4 safety.

5 The question I guess I have, coming at it
6 from a different angle, is if that's true, why is it
7 that we need to require submission of all the
8 information, even by reference, if we don't intend to
9 examine those questions? To put it differently, with
10 all that information sitting in there in the
11 application, doesn't that, in effect, invite the
12 licensing board to ask why it's in there and, in turn,
13 ask whether it's accurate?

14 DOCTOR MINNERS: Well, I think we probably
15 look at it -- and maybe this is a legal opinion I'm
16 not qualified to give. But if we're giving them
17 essentially a new license, and I understand that's the
18 legal theory behind it, I think the staff used it as
19 that you ought to have a good description of what the
20 licensing basis is to start out with. I think that's
21 about the sum of it.

22 MR. PARLER: And not to leave that basis to
23 one's imagination, to have the -- there are the old
24 FSARs, et cetera, that may have been issued 15 or 20
25 or 30 years ago, but let the licensee, the applicant

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1 in its application, at least reference what it
2 believes the licensing basis is.

3 COMMISSIONER CURTISS: That leads though to
4 the point that Commissioner Rogers raised, and that is
5 how do you know that it's accurate and complete and
6 thorough and necessarily leads into a discussion, not
7 just from the staff's technical review, but in the
8 proceeding itself, as to the adequacy of the current
9 licensing basis? Isn't that the result of opening
10 that door and asking for all that information to be
11 put on the table?

12 DOCTOR MINNERS: Well, as I said, I think we
13 do have some assurance that it will be complete and
14 accurate, but we're leaving that assurance mainly up
15 to the licensee through his plant evaluation that he
16 has to do. We're putting most of the responsibility
17 where we believe it should be, on the licensee.

18 CHAIRMAN CARR: It's certainly not going to
19 be the same for every plant.

20 DOCTOR MINNERS: No. That's correct. We'll
21 have 100 different licensing bases at least.

22 COMMISSIONER ROGERS: Well, I'm still
23 uncomfortable here because I don't know what you're
24 going to do with it. Are you going to weigh it? Are
25 you going to count mines? It's there. What will you

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1 do with it? I mean, you say you're not going to
2 examine it. What will you do with it?

3 DOCTOR MINNERS: I don't think it's what we
4 the NRC do with it, Commissioner, that makes much
5 difference. It's what the licensee does with it is
6 the important thing. He's the one responsible for
7 safety. I would presume he would look at his
8 licensing basis and be assured that he is meeting his
9 licensing basis and that when he goes further, that he
10 knows what his starting point is for this screening
11 method that he's going to do. He has to have a
12 starting point someplace and he has to have the
13 licensing -- he has to gather this information anyway,
14 and all we're asking him is to do the administrative
15 task of making a list of it and sending it into us,
16 which we think is not much of a burden.

17 COMMISSIONER CURTISS: I guess I presume
18 that he'll do that with that big room full of
19 documents that he's got, wherever he's got his
20 licensing basis. When he submits the application,
21 he'll go to that big room full of documents and use
22 that as the point of departure. I presume we know
23 what the licensing basis is for these plants.

24 Well, the question is, assuming they'll do
25 that, because it's a prudent and wise thing to do, and

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1 assuming we know what the licensing basis is and that
2 this isn't for our benefit, what is the purpose of
3 then requiring that big room of documents to be
4 transported down here to the Commission?

5 DOCTOR MINNERS: Well, it's not going to be
6 the big room of documents. It's only going to be a
7 list of those documents that has to be transported.

8 COMMISSIONER CURTISS: I understand that.

9 CHAIRMAN CARR: I think it's just a contract
10 between the two parties at the time that says, "This
11 is where we start it."

12 DOCTOR MURLEY: If I may add, I think we
13 could, no doubt ourselves, reconstruct this licensing
14 basis for each plant, but it would take a lot of work.
15 When we say the current licensing basis, we mean not
16 just the FSAR, but all the commitments they've made to
17 us, all the small exemptions that they've gotten from
18 parts of regulations and so forth. We want to make
19 sure, because some of these actions go back, as the
20 General Counsel said, 20 years or more. We want to
21 make sure that we have the same understanding about
22 what's required of that plant right now that the
23 licensee does.

24 Now, we don't intend -- we're not committing
25 that we review every document, but we will look them

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1 over. No question that we will look over to make sure
2 that we have the same understanding that the licensee
3 has of what's required.

4 COMMISSIONER ROGERS: Well, does this mean
5 that you'll -- I'm just trying to -- I'm not being
6 critical. I'm just trying to understand what this
7 process is here that we're envisioning. It sounds to
8 me as if you'll look over the list of documents to see
9 whether the list is complete. Not whether the
10 contents of the documents are complete, but whether
11 the list is complete. Is that correct or not? Do you
12 intend to do that or not do it?

13 DOCTOR MURLEY: My intention now is that we
14 would be doing some selective look into the documents
15 themselves, just to satisfy ourselves that what we
16 understand the current licensing basis is the same as
17 they've described it.

18 COMMISSIONER ROGERS: Well, I've had some
19 experience in the past in which a licensee didn't
20 really know what its commitments were that it made and
21 had to go back and reconstruct those and found that it
22 had made some that the NRC didn't even know about at
23 the time. And I just wonder how we're dealing with
24 that kind of thing. Are we going to review the list
25 of topical -- the topical list, or the names of the

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1 documents, see whether it's complete or not? Are we
2 just --

3 CHAIRMAN CARR: You want the books at least
4 balanced.

5 COMMISSIONER ROGERS: All I want to know is
6 what we're going to do first, and then I'll criticize
7 it later. But I don't know, when we say we're not
8 going to examine that list for completeness, does that
9 mean we're not going to look at the completeness of
10 every document, or does it mean that we're not going
11 to look at the completeness of the list itself?

12 DOCTOR MURLEY: Oh, we're going to look at
13 the completeness of the list, yes. And for example,
14 it could very well be that we're familiar with the
15 latest update of the FSAR, so we could decide, well,
16 yes, we agree. We've looked at that and we don't need
17 to look at that. But there could be some list of
18 commitments that they've made to us that our memory
19 may be a little foggy on. We may go in and look at
20 that in some detail to make sure that our records
21 agree with theirs in terms of what's --

22 COMMISSIONER ROGERS: Well, that was what I
23 wanted to find out about, because I couldn't tell from
24 what was said whether we were going to look at the
25 completeness of that list or not.

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1 MR. TAYLOR: The possibility does exist.
2 There would be some commitment that he made that was
3 not executed and not incorporated, and then that would
4 certainly be a problem. That would be an inadequacy
5 in the current condition. I mean, that's a
6 possibility, considering the numbers of modifications,
7 changes, and commitments that have been made over the
8 period of the current license.

9 COMMISSIONER ROGERS: Sure.

10 MR. TAYLOR: -- recognize that. And I think
11 some of these would be a template. That is, here is
12 the listing and there'd be a commonality of generic
13 issuances that people have committed to that we would
14 expect to see across a whole series of licenses. On
15 exception, we may see something that has not been, and
16 you may call up and say, "Didn't you commit to that
17 bulletin of 1969 or '75 or something?" And so, that
18 has those possibilities, but it's --

19 COMMISSIONER CURTISS: If we anticipate that
20 problem arising, that's probably a good thing to do
21 for all of our licensees, not just those that are
22 applying for plant life extension.

23 MR. TAYLOR: I think we're going to learn
24 when we do this. But it would be part of the
25 gathering together to seek a renewal.

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1 COMMISSIONER CURTISS: This provides a
2 procedural opportunity to get that information,
3 undertake that kind of review. What I was groping
4 for, though, is what the nexus is between plant life
5 extension initiative and the process of going back and
6 actually evaluating whether everybody's complied with
7 the commitments that might be spread out in the
8 various documents, some of which we're familiar with
9 and some of which --

10 CHAIRMAN CARR: Well, I think it's fair to
11 say that plants are scrambling right now to put this
12 thing together to figure out what their licensing
13 basis is.

14 COMMISSIONER REMICK: It seems to me it
15 would be beneficial for the licensee and for the NRC
16 to know what the licensing basis is. Has any thought
17 been given, though, to whether it should be a part of
18 the application or something independent of it? I
19 think that was the point Jim was getting at.

20 COMMISSIONER CURTISS: That's my point. It
21 seems to me that by the -- the plant life extension
22 process, obviously, is a potentially useful vehicle
23 for doing a lot of things. But I guess I wonder if we
24 are concerned about the problem of clearly identifying
25 where the commitments have been made and whether

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1 they've been met. That's a generic problem, unrelated
2 to plant life extension, although plant life extension
3 may provide a vehicle.

4 I think we need to consider in more detail
5 just what the nexus is between the findings that we're
6 trying to make in plant life extension; the point of
7 departure for those findings, which is the current
8 licensing basis; and the need to get these documents
9 either delivered or referenced in whatever the
10 licensee's submit. That concern is compounded by what
11 I think will be some proclivity on the part of the
12 participants to the proceeding in the Board itself to
13 look at the application, which will include references
14 to the current licensing basis.

15 And where there may be questions that arise
16 in your mind, there may be questions that arise in the
17 Licensing Board's mind or in the mind of others. And
18 we may find ourself very quickly litigating questions
19 about the adequacy of the current licensing basis or
20 commitments made thereunder, rather than focusing on
21 what I think ought to be the principal focus of the
22 plant life extension, which are the technical
23 questions relating to age considerations.

24 MR. TAYLOR: We understand that. We'd like
25 to avoid it. Maybe as we proceed here --

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1 COMMISSIONER CURTISS: Well, think about a
2 way to do that between now and --

3 MR. TAYLOR: And we're still dealing with
4 the concept, as you can tell.

5 COMMISSIONER CURTISS: That's all I have.

6 CHAIRMAN CARR: Well, they're like the bank.
7 They send us a statement. We may want to balance it
8 before we say okay.

9 MR. TAYLOR: Before we open our account.

10 CHAIRMAN CARR: That's right.

11 COMMISSIONER REMICK: Before we leave the
12 subject, one last question. Am I correct that ideally
13 with tech specs -- and if people updated their FSAR,
14 which I believe is annually -- if you had those two
15 documents, ideally you should have the licensing
16 basis, shouldn't you? Is there anything -- shouldn't
17 commitments be in there, ideally?

18 DOCTOR MINNERS: Well, if they're at a
19 higher level, they would be. But if you have some
20 very detailed commitment that you're going to have
21 some nut and bolt put in place, I mean, that might not
22 get in the FSAR or the tech spec.

23 COMMISSIONER REMICK: So it takes more than
24 a --

25 MR. TAYLOR: It takes more.

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1 DOCTOR MINNERS: (Slide) Can we go on to
2 slide 10?

3 This is the issue of severe accidents. As I
4 discussed, there will be individual plant
5 examinations, but there is not now any requirement in
6 the rule for having severe accident closures
7 completed. We consider severe accident closure to be
8 part of the current licensing basis, and any results
9 of the IPE will be dealt with in that context and that
10 will change the licensing basis so that at the time of
11 application severe accidents should be concluded. But
12 that will not be a required action in the rule.

13 However, we do intend to -- we expect the
14 IPE results to be either implemented or scheduled
15 before an application is tendered. We intend to
16 emphasize that in the statement of considerations.

17 COMMISSIONER CURTISS: Will that be a
18 prerequisite for issuance of a plant life extension,
19 commitment to schedule?

20 DOCTOR MINNERS: I guess I'll have to say
21 what I said before. It's not a requirement, but it's
22 an expectation.

23 COMMISSIONER CURTISS: I was confused about
24 the language, the difference between a standard and a
25 prerequisite that was used in the earlier draft.

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1 DOCTOR MINNERS: Well, if it's not in the
2 rule, I guess we can't require it, if that's what you
3 mean by a prerequisite. But I think NRR is going to
4 strongly urge people to have severe accidents closed
5 before we deal with their application. And I think
6 the argument would be that if you don't have severe
7 accidents closed, you don't know what your licensing
8 basis is, so we don't know where we're starting from.

9 (Slide) On slide 11, one of the more
10 important things is this screening process, and the
11 industry had some comments at the workshop that we had
12 not given adequate credit for existing programs in our
13 formulation of the rule. So we have modified the rule
14 to give more credit for existing programs.

15 And the industry was also concerned that the
16 license renewal rule not become a de facto maintenance
17 rule, and we agree with that. That is a little
18 difficult to follow, but we are trying to follow that
19 path, but would note that a maintenance rule or reg
20 guide or some industry initiative would be very
21 helpful in license renewal to define maintenance
22 practices in the renewal term as well as in the
23 current term.

24 And the details of the screening process, as
25 I think we've discussed, will be in this industry

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1 screening report, which we intend to review and issue
2 an SER on.

3 (Slide) Slide 12 is the perennial question
4 of backfit. The industry comments at the workshop
5 were that they would like to have the backfit rule
6 apply to the renewal application. And our advice from
7 OGC is that the backfit rule is not applicable to the
8 application. It's treated as kind of a new license.
9 You start it off fresh. And the backfit rule does not
10 apply. Of course, after a renewal license is issued,
11 the backfit rule would apply if we want to put any
12 additional stuff on after the license was issued.

13 The staff does recognize a need to provide
14 guidance for the review of the license renewal
15 application, and we intend to have an SRP which will
16 preclude reconsideration of the adequacy of the
17 current licensing basis during the license renewal
18 reviews.

19 (Slide) Slide 13 --

20 CHAIRMAN CARR: Before we leave that one,
21 let's give the OGC a chance to explain why he thinks
22 it shouldn't apply there.

23 MR. PARLER: Well, the statement was that it
24 does not apply to the application for the renewal.
25 The backfit does apply to the existing license which

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1 would be renewed, and it does apply to the renewed
2 license after it is renewed, the backfit rule does.

3 The purpose of the backfit rule is to
4 provide for regulatory stability and a disciplined
5 approach in changing current requirements from a floor
6 which is deemed to provide adequate protection to the
7 public health and safety. If there is such a floor
8 which exists for a license that has been applied for
9 to be renewed, it isn't entirely clear to me what that
10 existing floor is. The floor is that we're going to
11 review the application, assuming that the current
12 licensing basis could be accepted. And the addition
13 to that would be the age degradation requirements, and
14 it would seem to us that that's not a situation that
15 requires a backfit type analysis. You're talking
16 really about new requirements not changing existing
17 requirements. That is explained --

18 CHAIRMAN CARR: I guess I fail to see the
19 disadvantage of having it apply.

20 MR. PARLER: Well, if one wants to go
21 through the backfit type analysis, you would quickly
22 reach the conclusion from looking at what is the key
23 first principle here, that is that the current
24 licensing basis, which we will explain someplace, is
25 adequate, and what is needed is these additional age

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1 degradation requirements. And presumably, we need
2 those in order to provide adequate protection.

3 CHAIRMAN CARR: Yes.

4 MR. PARLER: Under your theory, you apply
5 the backfit rule. The backfit rule says that you
6 don't have to have a backfit analysis in order to
7 demonstrate adequate protection. So that's the end of
8 it. If you want to take that unnecessary detour, I
9 assume that that is all right. But I guess our
10 suggestion, which is explained on page 7 of the paper
11 in enclosure 3, I believe, page 6, is that you don't
12 need to do that.

13 CHAIRMAN CARR: Okay.

14 COMMISSIONER REMICK: A related question
15 comes to mind. I realize that OGC has decided that
16 this should be a new license or a renewal, not an
17 extension or amendment, yet I believe in the case of
18 non-power reactors you have extended the expiration
19 date and therefore, I guess, is an amendment. Now is
20 that because the non-power reactors are licensed under
21 Part 104 -- Section 104 of the Atomic Energy Act?
22 What's the difference? My understanding is non-power
23 have been done as an amendment.

24 MR. PARLER: The non-power reactors, the
25 statutory language between 104 and 103 differs, so we

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1 do have a legal analysis of that question prepared
2 which I would be glad to share with you and with your
3 staff.

4 COMMISSIONER REMICK: But no simple answer
5 to whether non-power reactors -- the expiration date
6 was extended because they're under Section 104? Is
7 that the reason? Or is that in your analysis? It's a
8 question of curiosity on my part.

9 MR. PARLER: It's the renewal language in
10 the Statute that we're operating under here. That's
11 what is the subject of our analysis.

12 COMMISSIONER REMICK: I must admit I don't
13 understand, but I'll read the analysis, then I'll have
14 an answer.

15 MR. PARLER: Well, it is rather difficult.
16 It seems, at least from my standpoint, if you are
17 implementing a statute that says that the Commission
18 may renew a license for a term, and the term may be an
19 additional term up to 20 years by policy choice or
20 legally up to 40, to simply say that's an amendment to
21 that license, you're really giving the thing new life
22 for an additional term.

23 COMMISSIONER REMICK: I don't differ with
24 that, but why wasn't the same determination for non-
25 power reactors -- if I'm right, the way it was handled

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1 there was an amendment by extending the expiration
2 date. It seems to me to be an inconsistency.

3 MR. PARLER: Because the statutory language
4 for the two different kind of reactors differ. That's
5 why.

6 COMMISSIONER REMICK: Okay. All right.

7 CHAIRMAN CARR: Let's proceed.

8 DOCTOR MINNERS: (Slide) Slide 13 tries to
9 explain how we intend to apply this theory. The way
10 we view it is that the renewed licensing basis will be
11 the sum of the current licensing basis or the part of
12 it that's not age-related, plus the age-related
13 licensing basis. And our intent is that the current
14 licensing basis, the part that's not age-related, will
15 not be reopened as part of the review of the renewal
16 application. And any changes to the current licensing
17 basis would be done as part of the current license,
18 and they would be done under the backfit rule.

19 However, the age-related portion of the
20 renewed licensing basis, that is what we're going to
21 review during the application. And that -- obviously,
22 we're going to have additional things, and that's what
23 these industry technical reports are supposed to
24 provide and the screening method is supposed to
25 identify. But any of these additions will not be done

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1 through the backfit rule, because it does not apply.

2 Therefore, once the renewed licensing basis
3 is established with these additional requirements for
4 age degradation, that can again only be changed under
5 the backfit ruling.

6 COMMISSIONER CURTISS: Warren, your second
7 bullet there indicates that the objective of the age-
8 related licensing basis is to maintain a current level
9 of safety throughout the renewal term.

10 DOCTOR MINNERS: Yes, sir.

11 COMMISSIONER CURTISS: Take an issue like
12 fatigue, where you may -- let's say at the point of
13 renewal you're at ten percent of the regulatory limit.
14 Clearly, on an issue like fatigue, your level of
15 safety at the time of renewal is ten percent of a
16 regulatory limit, but because of continued fatigue you
17 may in fact see a decline in safety, albeit within the
18 regulatory limit. You'd be within the regulatory
19 limit over a period of 20 years.

20 Do you really mean "to maintain a current
21 level of safety," or are you talking about maintaining
22 the current licensing basis?

23 DOCTOR MINNERS: It's really the current
24 licensing basis and an acceptable level of safety.

25 COMMISSIONER CURTISS: Okay.

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1 CHAIRMAN CARR: But you would put a license
2 condition in there if you saw in that 20 years they
3 were going to have to do something with some
4 component, wouldn't you?

5 MR. TAYLOR: Yes.

6 DOCTOR MINNERS: We could take some actions
7 to bring the level back up, yes.

8 MR. TAYLOR: You might have less if an
9 extension was for 20 years, but that component might
10 be good for ten.

11 COMMISSIONER CURTISS: My question really
12 went to the current level of safety. You're going to
13 have a current level of safety at the time that you
14 issue the application that in many respects may be --

15 DOCTOR MINNERS: Acceptable level of safety
16 is the proper --

17 MR. TAYLOR: Yes. You're point is well taken.

18 CHAIRMAN CARR: Once you've said that, then
19 I don't see -- if you apply the backfit rule through
20 that period, you can require them to do anything if
21 you maintain it's an adequate level of safety item.
22 And the backfit rule you wouldn't have to go into.

23 DOCTOR MINNERS: It's not an adequate level
24 of safety, it's an acceptable level, which may be
25 higher than adequate.

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1 The current licensing basis is generally
2 above a level of adequate safety, and that's what we
3 are trying to maintain is the current licensing basis.

4 CHAIRMAN CARR: I've got some problems, I
5 guess, with that statement that you just made.
6 Amplify that a little, what we're regulating to
7 require.

8 DOCTOR MINNERS: (Slide) Well, I have a
9 back-up slide number 1. Pardon me, back-up slide
10 number 3.

11 This is, hopefully, illustrative of what
12 we're talking about. The upper jagged line is the
13 level of safety that the plant has. The next
14 horizontal line is the current licensing basis, which
15 sometimes we modify either up or down. And below that
16 is the level of safety that is adequate. The line is
17 jagged, because as you do surveillances, maintenance,
18 repair, replacements, the level of safety goes up or
19 down. And even sometimes it could go above the
20 current licensing basis, and then we'd have to take
21 some action. We may shut them down. We may not shut
22 them down. That's at our discretion.

23 Presumably you see out there where the upper
24 jagged line splits. What we are trying to do is keep
25 it more or less where it was before. And presumably,

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1 if we didn't have these additional measures to control
2 degradation, it would slowly trend downward and go
3 below the current licensing basis and eventually even
4 go below the level of adequate.

5 So the intent of this chart or graph is to
6 try to show how we're trying to keep that current
7 licensing basis or that current level of safety which
8 varies up and down about where it is and above the
9 current licensing basis.

10 So we always have a margin. Utility will
11 always keep a margin between its level of safety and
12 the licensing basis, so they don't risk limits on your
13 operation.

14 CHAIRMAN CARR: Okay.

15 DOCTOR MINNERS: And the way we have
16 regulated in the past is that the current licensing
17 basis we have enhancements to safety which are above
18 what is necessary to maintain adequate protection. So
19 there is some -- in I would say all licensing bases,
20 some margin between current licensing basis and
21 adequate safety.

22 COMMISSIONER REMICK: Is this a new thought?

23 CHAIRMAN CARR: How did we get from adequate
24 to current licensing basis?

25 DOCTOR MINNERS: Because we put some things

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1 on which are not necessary for adequate protection,
2 but are enhancements which are cost-beneficial.

3 COMMISSIONER CURTISS: Those are backfits,
4 in effect. Is that right?

5 DOCTOR MINNERS: Or they could be frontfits.

6 COMMISSIONER CURTISS: Okay. But backfits
7 would be included within that?

8 DOCTOR MINNERS: In backfits, we have to
9 prove it. In frontfits, we don't have to prove --

10 COMMISSIONER CURTISS: Okay. Fair enough.

11 COMMISSIONER REMICK: They're conservatisms.
12 Is that --

13 DOCTOR MINNERS: No. They're cost-
14 beneficial. We looked at it and said, "I can increase
15 safety --

16 COMMISSIONER REMICK: Some of these would
17 not be backfits. They're impositions at the original
18 license.

19 DOCTOR MINNERS: They may be.

20 COMMISSIONER REMICK: I assume it's because
21 of conservatism in our licensing basis.

22 DOCTOR MINNERS: We didn't have as quite a
23 formal procedure in most of these original licenses,
24 but I think the same thought process there. I don't
25 believe that everything that was imposed on the

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1 original licenses was put on there because it was
2 necessary for adequate safety. I think there was some
3 cost benefit, albeit maybe qualitative thoughts behind
4 those things.

5 MR. TAYLOR: And conservatisms.

6 DOCTOR MINNERS: And conservatisms, yes.

7 DOCTOR MURLEY: Before we leave slide 13, I
8 think I want to make sure that we all understand--
9 Commissioner Curtiss brought up the point. There is
10 an error on this slide. We're going to maintain an
11 acceptable level of safety, not the current level.

12 DOCTOR MINNERS: (Slide) Slide 14 was the
13 last of the eight subjects discussed, and from the
14 comments at the workshop the industry wanted some
15 special hearing procedures for a license renewal
16 hearing. They wanted some limits on the hearings, to
17 limit the number of interrogatories, to change the
18 standards for summary dispositions, to have strict
19 hearing schedules. And they wanted to have an ASLB
20 decision within 300 days of the SER as kind of a fixed
21 thing you had to do.

22 I understand our position is that the
23 current Part 2, which was recently changed, is
24 adequate and will provide for timely, efficient
25 hearings.

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1 In addition, I think we'd note that because
2 of the timely renewal provisions this precludes any
3 concerns regarding interruption of the operation of a
4 plant due to protracted hearings. So we think that
5 the current Part 2 procedural rule is perfectly
6 adequate for a renewal license application.

7 CHAIRMAN CARR: Are we looking at those for
8 possible generic application sometime? I mean, are
9 there some good ideas in there we ought to be
10 considering?

11 MR. PARLER: These good ideas were looked at
12 by a regulatory reform task force a number of years
13 ago. They may be good ideas, but I'll leave that to
14 others to judge. I'm not implying that they are bad
15 ideas, but the ideas good and bad were put on the
16 Commission's table by this regulatory reform task
17 force. And the final changes were put out within the
18 past year, and they are being challenged now in the
19 courts. I would suggest that you might want to wait
20 and see how that challenge comes out before we move
21 boldly in a different direction.

22 I might add, also, in addition to the timely
23 renewal feature of the law, which as Doctor Minners
24 has pointed out is very important here, because you
25 don't have the leverage of holding up things by

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1 litigation, but beyond that I gather from this staff
2 paper and from the discussion here that major efforts
3 will be undertaken. And if they are successful, a lot
4 of issues could not be litigated in the current
5 licensing basis, and I emphasize "if" the approach is
6 successful.

7 The age degradation requirements. If a rule
8 is put into place, we could put in our notice of
9 hearings for these proceedings what the framework, the
10 contested issues should be, or the boundaries.

11 So I would think that the experience of the
12 past -- that is, the experience that we've had in
13 initially licensing these plants -- by no means
14 picture what a renewal hearing and renewal litigation
15 would be like. Even if it is nothing else, it would
16 be much more narrow, much more focused, and much more
17 efficient.

18 But we are always looking for ways, either
19 from court decisions or from administrative conference
20 recommendations, to streamline our procedural process.

21 CHAIRMAN CARR: Well, I must admit I'm
22 somewhat sympathetic to the schedule. Give them
23 enough time and hold them to it. It seems like a
24 reasonable approach.

25 MR. PARLER: That is one of the regulatory

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1 reform suggestions that was definitely made and was
2 put before the Commission, I believe, in the early
3 '80s. And I believe, if my recollection is correct,
4 that the leadership of the Licensing Boards at the
5 time suggested that a firm schedule was not a good
6 idea. Give them a target goal and that would be all
7 right. We do have built into our procedures now
8 target goals.

9 COMMISSIONER CURTISS: It might make sense
10 to do something along the lines of what we did on the
11 high level waste proceeding, where it wasn't a firm
12 target but in Subpart J where the model schedule was
13 laid out and what dates roughed out in the schedule
14 itself. I don't know where I come down on that issue
15 in this context, but it might be something that the
16 staff takes a look at as it prepares the proposed rule
17 for our consideration. It would provide some
18 additional guidance in terms of the general framework
19 and schedule framework that we would expect ought to
20 be met absent other considerations in a proceeding of
21 this nature.

22 MR. PARLER: The bottom line point about
23 schedules is that a schedule is really meaningless
24 until you know what the complexity of the hearing is
25 going to be. As Malsch has told me, if you have one

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1 minor issue the schedule can be tight. On the other
2 hand, if you have 100 highly contested issues in a
3 complicated case, a model schedule doesn't mean a lot.

4 CHAIRMAN CARR: Well, since these are
5 special cases we haven't faced before, we might need
6 it.

7 MR. PARLER: Right. That could be done.

8 CHAIRMAN CARR: Something we could do to
9 help.

10 All right. Let's proceed.

11 DOCTOR MINNERS: (Slide) Slide 15 is a
12 summary of the staff actions as a result of the
13 workshop.

14 We have modified the conceptual rule, and
15 that's provided in enclosure 4 to the paper.

16 We now are going to have a schedule which
17 decouples the Part 54 rulemaking from the Part 51
18 rulemaking.

19 We will produce one reg guide on format and
20 content.

21 And the other licensing guidance will be
22 through SERs on the NUMAFC reports, which is the
23 screening report we've discussed, and the ten
24 technical reports.

25 (Slide) On slide 16, which is shown in more

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1 detail on Enclosure 5 to the paper, as we said, we're
2 going to separate Part 51, environmental rulemaking,
3 from the Part 54, license renewal, in order to
4 accelerate the Part 54 rule.

5 The reg guide on format and content, the
6 NUMARC reports on screening, and the SRP that pulls
7 that all together would be on a slower track than the
8 54 rule. And the industry technical reports would be
9 fit in there to be available and useful about the same
10 time as the Part 51 rulemaking. And we have to work
11 out those detailed schedules.

12 The resources to do all of this are budgeted
13 and we don't need to request any more resources.

14 CHAIRMAN CARR: When you're putting out the
15 reg guide, the final reg guide, that part after the
16 final rule, are they going to have enough information
17 in the final rule that they'll be able to submit their
18 application and have it --

19 DOCTOR MINNERS: I think on slides --

20 CHAIRMAN CARR: -- assurance that they're
21 going to be in compliance with the reg guide too?

22 DOCTOR MINNERS: Slide 17, I think, will
23 hopefully illustrate that. It shows a little more
24 details of the schedule. We would be getting the
25 proposed rule to the Commission in May of this year in

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1 order to meet our May of '91 date to get it before the
2 application which would be in June of '91.

3 Now the reg guides in the SRP are going to
4 follow that, but there will be a draft published in
5 December of '90, which will be six months before the
6 application is tendered, and so the applicant can have
7 a good idea of what the reg guide is going to be,
8 albeit in a draft form.

9 NRR is now doing predocketed reviews of the
10 leads plants at Yankee and Monticello. We'll
11 certainly learn something from that that can be fed
12 back into this guidance.

13 (Slide) On slide 18 is the schedule for
14 Part 51. The controlling action is that first bullet
15 where we have to put out a *Federal Register* notice
16 which is a notice of intent. That's a procedural
17 requirement in case we want to call it an impact
18 statement. That can't be done until June of this year
19 and then when you just put the review and comment
20 template on top of that, that kind of forces us to
21 have a final rule not before April of '92, which will
22 be before any renewed license is issued.

23 So, that is our plan and our purpose. It's
24 a very tight schedule to do this. One of our purposes
25 in presenting this to the Commission today is to try

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1 to get some feedback now if the Commission desires any
2 changes so we can get a little jump on that. If we
3 get changes late in the process, we may not be able to
4 meet the schedule.

5 COMMISSIONER CURTISS: Just one quick
6 question on that last chart. On the Part 51
7 rulemaking, will the generic environmental document
8 and the S table that you intend to use should be on
9 the books before the actual hearing begins for the
10 pilot plants?

11 DOCTOR MINNERS: Yes. Yes.

12 COMMISSIONER CURTISS: Okay. How much
13 time -- I recall the dates for submission of the
14 applications. How much time are you projecting for
15 review of the SERs in the two pilot plant cases?

16 DOCTOR MINNERS: The review of the SERs?
17 You mean of the application --

18 COMMISSIONER CURTISS: Preparation of the
19 SERs.

20 DOCTOR MINNERS: Say again?

21 COMMISSIONER CURTISS: Preparation of the
22 SERs before you get into the area.

23 MR. TRAVERS: The SERs for the industry
24 technical reports are estimated to take approximately
25 a year for internal review, including coordination

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1 through the ACRS.

2 COMMISSIONER CURTISS: And will you prepare
3 an SER then on the application once it comes in?

4 DOCTOR MINNERS: Yes.

5 MR. TRAVERS: Yes.

6 DOCTOR MINNERS: We expect about a two year
7 review.

8 COMMISSIONER CURTISS: Two year? Okay.

9 DOCTOR MINNERS: I think that was the
10 number. But we haven't fixed on that. That's a
11 tentative.

12 COMMISSIONER CURTISS: Okay.

13 DOCTOR MINNERS: That's all I have to
14 present. Thank you.

15 CHAIRMAN CARR: All right. Any questions?
16 Commissioner Remick?

17 COMMISSIONER REMICK: Well, one. I
18 certainly favor the staff proposal that we've heard
19 today. On the matter of the screening criteria, I
20 would urge the staff to do as thorough a job as you
21 possibly can because I think it's important to the
22 process and hopefully prevent later challenges to
23 them. I would like to ask you to give consideration
24 to the pros and cons of requiring that list of
25 licensing basis documents either in the application or

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1 separately, to give consideration to the advantages
2 and disadvantages.

3 And the concern I have, since there are
4 various offices involved, including the Commission
5 office of OGC, that I do urge that you have some tight
6 management control backed by the EDO so that you're
7 able to maintain the schedules that you've proposed.

8 CHAIRMAN CARR: Commissioner Roberts?

9 COMMISSIONER ROBERTS: None.

10 CHAIRMAN CARR: Commissioner Rogers?

11 COMMISSIONER ROGERS: Where does the
12 research agenda stand with respect to any issues for
13 licensing renewal? Are there any outstanding research
14 issues that have to be cleaned up before we're ready
15 to move?

16 MR. BOSNAK: There are really no outstanding
17 what I'd call show stopping research efforts that we
18 think have to be completed. We're continuing with the
19 aging research program, both the ANPR Program and the
20 Materials Program.

21 COMMISSIONER ROGERS: Well, there were some
22 questions about the availability of surveillance
23 samples in some plants. Is that going to be a
24 difficult issue to deal with, lack of those?

25 MR. BOSNAK: It's an issue that would have

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1 to be dealt with with respect to the end of life or
2 life assessment for the vessel. I think it will be a
3 case by case sort of thing as we approach each
4 licensee.

5 COMMISSIONER ROGERS: I mean we'll just have
6 to face that one when it comes up, is that it?

7 MR. BOSNAK: Yes, sir. It will be one of
8 the things that will have to be covered in the
9 application obviously.

10 COMMISSIONER ROGERS: We'll put more of the
11 responsibility for that on the licensee to come up
12 with an adequate demonstration of some sort. Is that
13 what you're saying?

14 Where do the ASME and ANSI codes -- how are
15 they going to be used in this process with respect to
16 degradation phenomena such as erosion/corrosion?

17 MR. BOSNAK: You asked about
18 erosion/corrosion. They have produced a subsection of
19 Section 11 now, Subsection IWT. That will eventually
20 be picked up in our regulations as a normal course,
21 irrespective of license renewal. So, that would be
22 handled that way.

23 They have a group on aging and life
24 extension looking at things that need to be included,
25 things that need to be changed within the IEEE and

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1 ASME codes and standards with respect to continuing
2 life. They are not really focusing on calling it
3 license renewal. They're focusing on the aging
4 aspects of extended life, how do you assess the
5 remaining life of a given component knowing where you
6 started, the various transients that it has
7 experienced during its service life, that sort of
8 thing.

9 COMMISSIONER ROGERS: But that has not been
10 completed yet?

11 MR. BOSNAK: That part of it has not been
12 completed. The part on erosion/corrosion has been
13 completed. We will eventually pick that up as a
14 normal process when we modify 50.55(a).

15 COMMISSIONER ROGERS: Is it conceivable that
16 there could be a problem with that with respect to any
17 particular license renewal application?

18 MR. BOSNAK: I don't believe so. The code
19 itself only covers class 1, 2 and 3 components. It
20 does not cover balance of plant. So, we would have to
21 be able to look at the application to balance of plant
22 components, which are important as we use it in the
23 conceptual rule, which are important to license
24 renewal. So, that's really basically part of the
25 screening process.

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1 COMMISSIONER ROGERS: Just in this general
2 area of degradation, I haven't seen too much on
3 electrical systems. It seems to me that the focus has
4 tended to be on cables, environmental and aging
5 effects on cables. But what about other electrical
6 components? Some of these plants are pretty old and
7 their control systems are old fashioned and I suspect
8 there are some paper-wound capacitors in some of those
9 systems. What is our thinking about that? I haven't
10 seen anything on it and in this --

11 MR. BOSNAK: Well, you're correct, sir. The
12 cable area is one for which there will be a NUMARC
13 technical report because that was looked at as being a
14 difficult area, an expensive area if you had to
15 replace those things. The smaller items that have
16 shorter finite lifetimes are supposedly covered within
17 existing programs.

18 So, to answer your question, if you --

19 COMMISSIONER ROGERS: It's part of a
20 maintenance program essentially.

21 MR. BOSNAK: It's part of the maintenance
22 program. In the conceptual rule, we call it an
23 effective established program. But the criteria for
24 those programs, when you decide that something has to
25 be replaced, that is something that the staff is still

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1 reviewing.

2 COMMISSIONER ROGERS: Okay. Just on a
3 little different topic, the tech specs. Do you
4 contemplate any changes in tech specs that will become
5 part of the license renewal conditions? The
6 conceptual rule provided a draft section on that,
7 54.15. Do you think that there will be a possibility
8 of tech spec changes as part of the license renewal
9 approval?

10 DOCTOR MINNERS: It's possible. I don't
11 think anybody that I know of has identified any tech
12 spec change at this time. But conceptually, yes. As
13 a means of compensating for degradation, yes, you
14 might change surveillance intervals or LCOs or
15 something.

16 COMMISSIONER ROGERS: So, it's possible.
17 I think that's all that I have.

18 CHAIRMAN CARR: Commissioner Curtiss?

19 COMMISSIONER CURTISS: I just want to add my
20 voice to Commissioner Remick's and commend the staff.
21 It seems to me you've done an excellent job of pulling
22 together the results of the workshop and in fairly
23 short order presented an excellent overview of the
24 issues and the direction that we're taking. It seems
25 to me like the biggest part of your job lies ahead of

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1 you in terms of scheduling resources and it's an
2 aggressive schedule and I encourage you to do what you
3 can to meet that on the importance of the issue.

4 I would, between now and when the proposed
5 rule comes back before the Commission, encourage you
6 to take a look at two issues that I'm interested in.
7 First, if you could, take a look at the possibility of
8 including as much of the screening criteria in the
9 regulatory framework itself as opposed to the reg
10 guide. It does seem to me that some -- although there
11 are technical tradeoffs in doing that, there are some
12 potential benefits from the standpoint of how much
13 time we spend litigating the screening process versus
14 the subsequent issues with less likelihood of that
15 happening the more it's included in the rule.

16 Then, in addition, on the question of the
17 current licensing basis, what's required in terms of
18 the documentation. I guess I -- the discussion here
19 was helpful, but I'd like to see a more thorough
20 discussion of just what the nexus is between requiring
21 the documentation in terms of the decisions and
22 actions that the staff thinks need to be taken in the
23 context of plant life extension. It wasn't quite
24 clear to me from this discussion what that nexus is,
25 but if you can beef that up, that would be helpful for

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1 me.

2 That's all I have.

3 CHAIRMAN CARR: All right. I would say in
4 the two pilot cases you're going to look at early on,
5 you might get a lot of lessons learned out of your
6 current licensing basis match and you may want to be a
7 little more thorough as a kind of a quality control
8 check on whether that system works or not or what you
9 want to do with it.

10 The other thing I'm concerned about is
11 the -- the way I read it, if a guy comes in at the
12 five year period for an extension and you won't extend
13 it beyond 45 years, it says not more than 40 years
14 total in the extension and now more than -- of his
15 total life, and not more than 20 years. The words are
16 kind of interesting and I gather you were trying to
17 put a bound on it.

18 It says, "Renewal term means the period of
19 time which is the sum of the remaining number of years
20 on the operating license currently in effect, plus the
21 additional amount of time beyond the expiration of the
22 operating license not to exceed 20 years, which is
23 requested in the renewal application. The total number
24 of years for any renewal term shall not exceed 40
25 years."

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1 So, if he came in any time before the 20
2 year period, he's only going to get less -- 20 plus
3 whatever's between him and 20, huh?

4 DOCTOR MURLEY: That's correct. By the
5 Atomic Energy Act, we can only issue a license for a
6 period of 40 years. So, if he comes in before 20
7 years has expired and we act before 20, then we can
8 only give a 40 year license.

9 CHAIRMAN CARR: Total? Beyond that point?

10 DOCTOR MURLEY: Yes.

11 CHAIRMAN CARR: Whatever point he comes in.
12 That's why -- obviously 20 years is not a number we
13 know a lot about. Why did you pick 20 and is there
14 some -- I'm concerned always about picking an
15 arbitrary number. At this point it seems like a great
16 number, but when that guy's license begins to expire
17 and he's going to want to change it again, is 25 all
18 right?

19 MR. BECKJORD: Mr. Chairman, I think to
20 begin with, the 40 year life was arbitrary at the time
21 it was selected.

22 CHAIRMAN CARR: Oh, but they did design
23 components toward that life, didn't they?

24 MR. BECKJORD: I think that --

25 CHAIRMAN CARR: I mean they knew at the time

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1 they were going to --

2 MR. BECKJORD: I think the development of
3 codes was going on in parallel with that. So,
4 recalling some of the work that was done at that time,
5 I think it would be difficult to say that the
6 requirements were all preordained. It seems to me
7 that with respect to the 20 year, I think that people
8 have the feeling, looking at experience, that it's a
9 reasonable expectation and I think that's where the
10 number comes from.

11 CHAIRMAN CARR: That's just today's firm
12 look.

13 DOCTOR MURLEY: Yes.

14 CHAIRMAN CARR: Twenty years from now,
15 they're going to look at it differently.

16 DOCTOR MURLEY: They may.

17 CHAIRMAN CARR: All I'm worried about is are
18 we putting a number in there that we don't really need
19 to tie ourselves to arbitrarily. You might give that
20 some thought when you take --

21 DOCTOR MURLEY: Personally, I think that the
22 designers need a fairly firm guideline so they don't
23 have an open-ended target, for example, to design
24 mitigation systems for, design their vessel
25 embrittlement systems for and that sort of thing.

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1 CHAIRMAN CARR: Well, I guess what I'm
2 saying is, if the guy can come in with good
3 documentation to go for 23 years, we ought to look at
4 it rather than just arbitrarily say, "Twenty years is
5 all --." I mean if you're going to say 20, why not
6 say ten?

7 DOCTOR MURLEY: Well, it makes it very
8 difficult for the staff because we have to have our
9 own basis for reviewing his application against. He
10 may very well make a good case for 23 years. His
11 neighbor may make a good case for 26 years. I think
12 I'm arguing in kind of -- as a plea almost for the
13 staff to have some kind of framework so that we can
14 guide our research program and have a 60 year life. I
15 admit it's arbitrary, but it --

16 MR. TAYLOR: This came up early on in the
17 discussion and that's how it got selected really. It
18 came up early as a basis, right?

19 DOCTOR MURLEY: Yes.

20 MR. TAYLOR: As I recall, from when we first
21 talked about it. It's been the basis of discussion
22 with the industry. I understand your point. We'll
23 take a look at it, but that number came up in the
24 earliest of discussions of this whole subject, as I
25 recall.

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1 Isn't that true, Tom?

2 DOCTOR MURLEY: That's correct, yes.

3 MR. TAYLOR: And it seemed like a good, fair
4 target.

5 CHAIRMAN CARR: Twenty years away?

6 MR. TAYLOR: Some of us won't be here.

7 COMMISSIONER REMICK: Is there anything to
8 prevent a renewal of a renewal?

9 DOCTOR MURLEY: No.

10 MR. TAYLOR: No.

11 CHAIRMAN CARR: Eric?

12 MR. BECKJORD: Just a point on Commissioner
13 Rogers' question on tech specs. The only case that I
14 can think of where there would be a change would be
15 relating to the aging degradation, if there were some
16 requirement that it would be revisable to include for
17 reasons of aging. But other than that, I wouldn't--
18 I don't know of any changes that would be made.

19 CHAIRMAN CARR: Well, I'd like to also thank
20 the staff for the briefing. It appears that the
21 license renewal rule workshop was successful and that
22 you got good comments from that activity and it was
23 obviously a very important activity as a rule.

24 I'm supportive of the staff's plan in the
25 schedule which would result in publication of the

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1 final license renewal rule in May of '91. I'm
2 somewhat concerned, as you noted, that the final rule
3 won't provide everything the licensees might need to
4 proceed with a license renewal application. The
5 regulatory guide on the format and content of the
6 application and the staff's safety evaluation reports
7 on the industry technical reports will provide
8 important regulatory guidance.

9 I request you look closely at the schedule
10 for completion of these documents to see what can be
11 so they'll be useful to the early license renewal
12 applicants.

13 I also believe it would be worthwhile to
14 incorporate the schedule for the industry technical
15 reports and the staff's safety evaluations in the
16 overall program plan and schedule for completion of
17 the renewal activities.

18 It appears that Offices of Research, NRR and
19 OGC are working closely together to come to a well
20 thought out, as well as a timely, licensing renewal
21 rule and I commend you for this. I urge you to
22 integrate the results of the aging research into this
23 process on a continuing basis as more information
24 becomes available.

25 I also request you interact as early as

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1 possible with the Advisory Committee on Reactor
2 Safeguards to obtain their views.

3 Are there any additional comments?

4 If not, we stand adjourned.

5 (Whereupon, at 3:37 p.m., the above-entitled
6 matter was concluded.)

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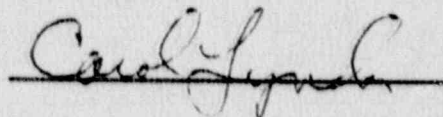
This is to certify that the attached events of a meeting
of the United States Nuclear Regulatory Commission entitled:

TITLE OF MEETING: BRIEFING ON STATUS OF PROPOSED RULE ON LICENSE RENEWAL

PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: JANUARY 30, 1990

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**RESULTS OF PUBLIC WORKSHOP
ON LICENSE RENEWAL**

PRESENTED BY

**OFFICE OF NUCLEAR REGULATORY RESEARCH
AND
OFFICE OF NUCLEAR REACTOR REGULATION**

**COMMISSION BRIEFING
JANUARY 30, 1990**

OBJECTIVE

**TO REPORT ON THE RESULTS OF
THE NOVEMBER WORKSHOP ON
LICENSE RENEWAL AND THE
RESULTING STAFF PLANS AND
ACTIONS**

TOPICS COVERED

- o WORKSHOP**
- o MAJOR ISSUES**
- o RESULTING STAFF ACTIONS**
- o PROGRAM PLAN AND SCHEDULE**

WORKSHOP

- o FEDERAL REGISTER NOTICE**
- o WORKSHOP SESSIONS**
- o ATTENDANCE**
- o WRITTEN COMMENTS**

MAJOR ISSUES

- o GENERIC ENVIRONMENTAL DOCUMENT**
- o REGULATORY GUIDES**
- o PROBABILISTIC RISK ASSESSMENT**
- o CURRENT LICENSING BASIS**
- o SEVERE ACCIDENTS**
- o SCREENING PROCESS**
- o BACKFIT**
- o HEARINGS**

**GENERIC ENVIRONMENTAL
DOCUMENT (GED)**

- o **ALTERNATIVE APPROACH**
 - **PART 54 RULEMAKING (RULE)**
 - **SUPPORTED BY EA**
 - **FINAL RULE MAY 1991**
 - **PART 51 RULEMAKING (GED)**
 - **SUPPORTED BY GED**
 - **FINAL RULE APRIL 1992**
- o **INDUSTRY POSITION**

REGULATORY GUIDES

- o REGULATORY GUIDE ON
FORMAT AND CONTENT**
- o SER ON NUMARC SCREENING
METHOD REPORT**
- o SERs ON 10 OTHER INDUSTRY
REPORTS**

PROBABILISTIC RISK ASSESSMENT

- o **NO PRA REQUIREMENT**
- o **METHODOLOGY ACCOMMODATING
AGING STILL EVOLVING**

CURRENT LICENSING BASIS

- o KEY REGULATORY PRINCIPLE**
- o CONTINUING ADEQUACY
ADDRESS IN FRN**
- o REQUIRED IN CONCEPTUAL RULE**

SEVERE ACCIDENTS

- o NO REQUIREMENT IN CONCEPTUAL
RULE**
- o IMPORTANCE OF CLOSURE EMPHASIZED
IN STATEMENT OF CONSIDERATIONS**

SCREENING PROCESS

- 0 **CREDIT FOR EXISTING PROGRAMS**
- 0 **CONCEPTUAL RULE MODIFIED**
- 0 **DETAILS IN INDUSTRY SCREENING REPORT**

BACKFIT

- ① **INDUSTRY WANTS BACKFIT REQUIREMENTS ON LICENSE RENEWAL APPLICATION**
- ① **STAFF BELIEVES BACKFIT RULE NOT APPLICABLE TO APPLICATION**
- ① **BACKFIT WOULD APPLY AFTER RENEWAL**
- ① **RECOGNIZE NEED FOR STAFF REVIEW GUIDANCE**

ELEMENT OF RENEWED LICENSING BASIS

RENEWED LICENSING BASIS = CLB + AGE-RELATED LB

- o CLB (CURRENT LICENSING BASIS) WILL NOT BE REOPENED AS PART OF REVIEW OF RENEWAL APPLICATION (BACKFIT RULE APPLIES)**
- o AGE-RELATED LB (LICENSING BASIS) WILL BE ESTABLISHED VIA REVIEW OF RENEWAL APPLICATION TO MAINTAIN CURRENT LEVEL OF SAFETY THROUGHOUT RENEWAL TERM (BACKFIT RULE DOES NOT APPLY)**
- o RENEWED LICENSING BASIS, ONCE ESTABLISHED, WILL ONLY BE CHANGED UNDER BACKFIT RULE**

HEARINGS

- **INDUSTRY WANTS SPECIAL HEARING PROCEDURES**
- **CURRENT PART 2 ADEQUATE**

SUMMARY OF STAFF ACTIONS

- 0 MODIFIED CONCEPTUAL RULE
- 0 MODIFIED PLAN AND SCHEDULE
 - FINAL RULE (PART 54)
SUPPORTED BY EA MAY 1991
 - FINAL CHANGE TO PART 51
SUPPORTED BY GED APRIL 1992
- 0 ONE R.G. (FORMAT AND CONTENT)
- 0 LICENSING GUIDANCE ON SCREENING,
SER ON NUMARC REPORT
- 0 ADDITIONAL LICENSING GUIDANCE
SERs ON INDUSTRY TECH. RPTS.

LICENSE RENEWAL PROGRAM PLAN

- 0 SEPARATE PART 51 RULEMAKING
FROM PART 54 RULEMAKING
- 0 ACCELERATE PART 54 RULE
- 0 RG & NUMARC RPTs ON SLOWER
TRACK
- 0 INDUSTRY TECHNICAL REPORTS
- 0 RESOURCES

SCHEDULE - PART 54

o RULE

- PROPOSED RULE TO COMMISSION 05/14/90**
- PROPOSED RULE PUBLISHED 06/29/90**
- FINAL RULE TO COMMISSION 04/15/91**
- FINAL RULE PUBLISHED 05/31/91**

o R.G. AND SRP

- DRAFT TO COMMISSION 11/02/90**
- DRAFT PUBLISHED 12/14/90**
- FINAL TO COMMISSION 02/92**
- FINAL PUBLISHED 04/92**

SCHEDULE - PART 51

- o ANPR/FRN PUBLISHED 06/29/90**
- o PUBLIC WORKSHOP 07/25/90**
- o PROPOSED RULE AND GED
TO COMMISSION 05/24/91**
- o FINAL RULE, GED TO
COMMISSION 02/28/92**
- o FINAL RULE, GED PUBLISHED 04/18/92**

LEVEL OF SAFETY

