

YANKEE ATOMIC ELECTRIC COMPANY

2,50454

Telephone (508) 779-6711

(55FR 29043)

TWX 710 380 7619

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USNRC

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580 Main Street, Bolton, Massachusetts 01740-1388 90 OCT 15 P3:00

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OFFICE OF SECRETARY
DOCKETING AND SERVICE
BRANCH

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Nuclear Power Plant License Renewal Proposed
Rulemaking (55FR29043)

Dear Sir:

Yankee Atomic Electric Company (Yankee) appreciates the opportunity to comment on this proposed rule regarding license renewal for commercial nuclear power plants. Yankee is the owner and operator of the first plant that will chronologically require a renewal license. Yankee Nuclear Power Station is also the lead PWR plant selected by the Department of Energy and the Electric Power Research Institute to demonstrate the validity of the license renewal process. Furthermore, Yankee's Nuclear Services Division provides engineering and licensing services to other nuclear power plants in the Northeast, including Vermont Yankee, Maine Yankee, and Seabrook.

As you are aware, Yankee has been an active participant in the NUMARC NUPLEX Working Group since its inception. We have been extensively involved in the development of the NUMARC comments, and we fully endorse those comments, particularly the annotated rule provided with the comments. We would like to take this opportunity to reiterate and add to the comments provided by NUMARC and previously by Yankee.

Yankee continues to stress that the success of license renewal depends on a rule that focuses entirely and solely on age-related degradation of significant plant components for which remedial actions are necessary in the renewal period. The proposed version of the rule appears to go substantially beyond this scope because systems potentially drawn in by a systems interaction evaluation would be included by the proposed definition of "Systems, Structures, and Components Important to License Renewal." Further, once included, most components in these systems would require an in-depth analysis, similar to that done for Equipment Qualification.

The industry has made the case to the ACRS and the Commission on several occasions that not all components that are important to license renewal

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require an in-depth analysis to ensure the continued capability to perform their safety function. Station batteries are a classic example. They are rigorously monitored and tested throughout their lifetime and replaced when found not to meet performance criteria. Such replacements take place several times during a license term. Yet, the proposed rule, when read with the regulatory conservatism typically reserved for regulations, continues to require in-depth analyses for all components important to license renewal. Such an approach ignores the fundamental premise of license renewal regarding adequacy of the current licensing basis, gives minimal credit for existing licensee programs and activities, and takes minimal credit for continuing NRC oversight. The rule instead creates the foundation for a research program that is virtually unbounded. We would offer that absent the proper focus on those significant plant components that require remedial actions to manage age-related degradation during the renewal term, license renewal might not be a viable option for many facilities.

Our additional comments regarding the proposed rule follow. A mark-up of the proposed rule, as submitted by NUMARC, is included for your convenience (Attachment 1).

Compilation of the Current Licensing Basis

We continue to oppose the requirement to compile the Current Licensing Basis (CLB) for several reasons:

1. The lead plants have demonstrated that only limited parts of the CLB are needed for the plant analysis. For example, the applicant may use piping and instrumentation diagrams, operations manuals, and knowledgeable plant personnel to identify systems, structures, and components important to license renewal. None of these aids are found in the CLB.

The information that is necessary to implement the integrated plant assessment is available in well documented sources which are updated and controlled in accordance with regulatory requirements, such as 10CFR, Sections 50.71 and Part 50, Appendix B, and licensee administrative requirements. A double standard that takes credit for NRC regulatory oversight during the initial license term, but does not take credit for such oversight during the license renewal process, appears to be inappropriate.

2. Compilation invites, and almost demands, an NRC review for adequacy. The only real difference between the proposed rule and previous versions of the rule is that the entire CLB is no longer required as part of the application. Instead, the rule requires that a list of documents identifying portions of the CLB relevant to the integrated plant assessment be submitted. Such a measure appears to have been employed by the NRC in the mistaken belief that this new requirement will insulate the license renewal process from

challenges to CLB adequacy. Since the finding required of the NRC (Section 50.29) is that "the activities authorized by the renewal license can be conducted in accordance with the current licensing basis," the rule seems to invite such challenge for each plant.

3. There has been and continues to be no justification for requiring compilation of the CLB. While it is generally true that plant CLBs are not concisely catalogued in only one or two documents, it is also true that plant CLBs reside within the design and licensing documents that are part of formal NRC dockets and plant-specific document control systems. Plant-specific document control systems are subject to regulatory controls under 10CFR50, Appendix B, Quality Assurance. The most important CLB documents, that is, the FSAR and Technical Specifications, are further subject to regulatory controls under 10CFR50.71(e) and 10CFR50.59. Compliance with these regulatory requirements is reviewed and assessed on a routine basis by NRC Staff and inspectors throughout the life of the plant. If deficiencies, such as failure to translate regulatory requirements and commitments into specifications, drawings, procedures, or instructions, are identified, the NRC takes appropriate action to ensure that such deficiencies are corrected.

Given the continuous oversight provided by the many NRC regulatory requirements and licensee administrative programs for ensuring implementation, there exists no justification to require compilation of the CLB currently or for license renewal.

Adequacy of Current Programs

The definitional requirements of "Established Effective Program" are inconsistent with the fundamental principle that the level of safety provided by the CLB is adequate. For example, there are currently programs being implemented by licensees to manage age-related degradation. Not all of these programs are part of the CLB as defined, nor are all of these program documents subject to review by on-site review committees. Though all implementation procedures would be administered in accordance with plant administrative controls. Since the level of safety provided by the CLB is adequate, there is no need to suddenly require that these non-CLB programs/activities be incorporated into the CLB and/or be reviewed by on-site review committees. Furthermore, the requirement to monitor the assumptions which were utilized in performing the assessments for age-related degradation is also inconsistent with the fundamental principle of license renewal. We agree with NUMARC that a unique approach to monitoring the assumptions used for license renewal versus that used to monitor licensee activities today is not necessary.

Integrated Plant Assessment

We agree with NUMARC that the integrated plant assessment, as detailed in the proposed rule and supporting documents, is too broad, and the depth of the

evaluations to be performed on components which are important to license renewal is more extensive than necessary to support the finding that significant age-related degradation will be effectively managed during the renewal term. We urge NRC to revise their approach to the integrated plant assessment by adopting a process that progressively intensifies the aging assessment by focusing on safety significance of components, significant age-related degradation, and need for management and/or mitigation of significant age-related degradation measures during the renewal period. A means to achieve this has been provided by NUMARC in their formal comments.

Hearings

At the second of three hearings held recently by the Congressional Subcommittee on Nuclear Regulation to examine the external obstacles to nuclear power, Senator Alan Simpson stated that while public participation must not be eliminated, at some point, "the babbling must be closed off." We agree with Senator Simpson that public participation is important. Public participation helps to ensure the validity of the licensing process. However, like Senator Simpson, we believe that debate on issues cannot be allowed to continue as it has in the past to impede the rendering of a decision.

Given the importance of license renewal to our nation's energy security, it is imperative that license renewal remain a viable option. In order to protect this option, the NRC must provide some certainty to the hearing process. Licensees can take very little comfort in the "timely renewal" provision of 10CFR, Part 54. Utilities need to know whether renewal will be granted well before the expiration of their initial licenses so that in the case of denial, sufficient time remains to implement alternatives for replacement capacity. Timely renewal does not recognize this need. Furthermore, although the plant may be permitted to operate under timely renewal, decisions regarding capital investments and issues involving staffing will be held in suspension until a final decision is rendered. These potentially serious problems can be easily avoided by requiring in this rule that the hearing boards identify the hearing schedule and hold all parties to that schedule. We urge the Commission to adopt such a requirement for license renewal.

In this regard, we believe that NUMARC has not gone far enough. We support the suggestion that an explicit scope should be defined for the hearings. However, without the companion requirement that a schedule also be established, the spectre of endless and pointless debate remains.

Backfit Controls

NUMARC's suggestion that the rule codify the Commission's wishes regarding applicability of the Backfit Rule is unimpeachable. The arguments presented in the supplementary information accompanying the rule merely explain how staff actions during the review of a renewal application might conform to specific provisions in the Backfit Rule. At no point does the

proposed rule establish the Backfit Rule as a constraint on the staff during a renewal term as it is during the initial term. Further, it seems unreasonable to prevent licensees from meeting staff imposed requirements in a cost-effective manner if equivalent safety is provided by different alternatives. For all these reasons, the explicit formulation of the Backfit Rule suggested by NUMARC in Section 54.22 is a vast improvement over the rule as proposed.

Findings

NRC proposes that a renewal license can be granted upon making the finding that age-related degradation of SSCs important to license renewal has been addressed in a manner such that operations during the renewal term can be "conducted in accordance with the CLB." While we do not believe it was the NRC's intent, such a finding unnecessarily elevates the CLB to the level of Technical Specifications. This status would require that any change made to the CLB be approved by the NRC prior to implementation. In other words, it appears as though the NRC would suddenly become involved with the day to day decisions made to operate a plant safely because the flexibility afforded plant operators by 10CFR50.59 would no longer be available. The finding should instead reflect the need to address age-related degradation in a manner such that operations during the renewal term can be "conducted in accordance with the regulations." We urge the Commission to adopt this change.

In closing, we wish to commend the NRC for vigorously addressing the need for a license renewal rule. Development of a rule has been a complicated process. We are hopeful that the staff, in reviewing comments, will be persuaded by the proposed reformulation of the rule. The suggested changes permit full use of the simplicity and power resident in application of the CLB concept to create a logical and comprehensive license renewal process.

Sincerely,



Donald W. Edwards
Director of Industry Affairs

Attachment

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- 1 54.15 Specific exemptions.
- 2 54.17 Filing of application.
- 3 54.19 Contents of application - general information.
- 4 54.21 Contents of application - technical information.
- 5 **54.22 Backfitting⁶**
- 6 54.23 Contents of application - environmental information.
- 7 54.25 Report of the Advisory Committee on Reactor Safeguards.
- 8 54.27 Hearings.
- 9 54.29 Standards for issuance of a renewed license.
- 10 54.31 Issuance of a renewed license.
- 11 54.33 Continuation of current licensing bases and conditions of renewed
- 12 license.
- 13 54.35 Requirements during term of renewed license.
- 14 54.37 Additional recordkeeping requirements.

15 Authority: Secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 68 Stat.

16 936, 937, 938, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 1244, as

17 amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239,

18 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, as amended (42 U.S.C. 5841,

19 5842).

20 General Provisions

21 ⁶ A new § 54.22 Backfitting has been added to the proposed rule,

22 codifying the Commissions treatment of § 50.109 described in the Statement of

23 Considerations.

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1 § 54.1 Purpose and scope.

2 This part governs the issuance of renewed operating licenses for nuclear
3 power plants licensed pursuant to Section 103 or 104b of the Atomic Energy Act
4 of 1954, as amended (68 Stat. 919) and Title II of the Energy Reorganization
5 Act of 1974 (88 Stat. 1242).

6 § 54.3 Definitions.

7 (a) As used in this part,

8 "Aging mechanisms" are the physical or chemical processes that result in
9 aging degradation. ~~These mechanisms include but are not limited to fatigue,~~
10 ~~crack growth, corrosion, erosion, wear, thermal embrittlement, radiation~~
11 ~~embrittlement, biological effects, creep, and shrinkage.⁷~~

12 "Age-related degradation" means a change in a system's, structure's, or
13 component's physical or chemical properties resulting in whole or part from
14 one or more aging mechanisms. ~~Examples of change due to age related~~
15 ~~degradation include changes in dimension, ductility, fatigue capacity,~~
16 ~~fracture toughness, mechanical strength, polymerization, viscosity, and~~
17 ~~dielectric strength.⁸~~

18 ⁷ Specific mechanisms or measures of age-related degradation are still
19 controversial, and not appropriate for a definition. The fundamental cause
20 and effect relationship, however, is recognized.

21 ⁸ Specific mechanisms or measures of age-related degradation are still
22 controversial, and not appropriate for a definition. The fundamental cause
23 and effect relationship, however, is recognized.

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1 "Significant age-related degradation" means that level of deterioration
2 of the physical or chemical properties of a system, structure or component
3 that would impair its ability to perform any of its safety functions.⁹

4 "Current licensing basis" (CLB) means the NRC's requirements imposed by
5 the NRC on a particular nuclear power plant ~~at the time that the initial~~
6 ~~license for that power plant was granted~~ and the licensee's written
7 commitments for complying with those requirements {including modifications and
8 addition to such commitments} ~~at the time the initial license was granted,~~
9 ~~including those required to be documented in either the licensee's initial~~
10 ~~operating license application or Final Safety Analysis Report (FSAR).~~
11 ~~Additionally, it includes all modifications and new requirements imposed by~~
12 ~~the NRC and modifications and new commitments made by the licensee during the~~
13 ~~period of plant operation up to filing of the license renewal application and~~
14 ~~remaining in effect at the time of application that are part of the docket for~~
15 ~~the facility's license. These plant-specific requirements and commitments~~
16 ~~{and modifications and additions thereto} include, but are not limited to,~~
17 ~~compliance with~~ consist of the Commission's regulations as prescribed in 10
18 CFR Parts 2, 19, 20, 21, 30, 40, 50, 51,¹⁰ 55, 72, 73, and 100 and appendices
19 thereto; orders; license conditions; exemptions; and technical specifications.
20 In addition, the current licensing basis includes written commitments
21 remaining in effect and made in docketed licensing correspondence such as

22 ⁹ Significant age-related degradation is another term which needs to be
23 defined, since not all age-related degradation is significant.

24 ¹⁰ Part 51 should also be included.

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1 licensee responses to NRC bulletins, generic letters, and enforcement actions
2 ~~that remain in effect at the time of application~~¹¹.

3 "Established effective program" means a documented program that ~~assure~~
4 appropriately addresses the effects of significant age-related degradation,
5 thereby providing reasonable assurance that a system, structure, or component
6 important to license renewal will continue to perform ~~the~~ its safety functions
7 described in the definition of "Systems, structures, and components important
8 to license renewal." ~~during the renewal term will not fail in such a way that~~
9 ~~it could prevent successful accomplishment of a safety function by another~~
10 ~~system, structure, or component; and will continue to function with sufficient~~
11 ~~reliability to maintain the licensing basis. This~~ Established effective
12 programs ~~may shall~~ include ~~as appropriate,~~ but are ~~is~~ not limited to,
13 inspection, surveillance, preventative or corrective maintenance, trending,
14 testing, recordkeeping, replacement, refurbishment, qualification, and the

15 ¹¹ Although we agree, in general, with the definition as proposed in
16 Section 54.3 of the Proposed Rulemaking, we find that a change is necessary to
17 reflect the fact that the current licensing basis changes during the initial
18 license term and will continue to change during the renewal term in order to
19 ensure an acceptable level of safety. During the review of the license
20 renewal application, changes may occur for several reasons; for example, NRC
21 may issue new requirements under 10CFR50, or the licensee may process a
22 Technical Specification amendment for a new fuel cycle. The fact is that the
23 current licensing basis will continue to change. Therefore, the definition
24 should reflect the changing nature of the current licensing basis.

25 The definition of current licensing basis should be changed in several
26 respects. First, the revised definition would not "freeze" the CLB at the
27 time that the license renewal application is filed. Freezing the CLB would be
28 inconsistent with NRC practice and would make continued plant operation
29 difficult and perhaps impossible by causing plants to adhere to less-safe
30 current licensing bases. The revised definition would also assure that the
31 CLB included only those commitments that were in writing, on the docket, and
32 remained in effect.

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1 assessment of operational life for the purpose of assuring that the system,
2 structure, or component will continue to perform its safety function timely
3 ~~mitigation of the effects of aging degradation~~¹². This program must:

4 (i) Be documented ~~in the FSAR~~, approved by onsite review committees,
5 and implemented in accordance with plant administrative procedures ~~by the~~
6 ~~facility operating procedures~~¹³,

7 ¹² The definition of "Established Effective Program" contained in the
8 proposed rule included words which required a program to assure that a SSC
9 would not fail in such a way that it could prevent successful accomplishment
10 of a safety function by another SSC. To meet this criteria a systems
11 interaction review would be necessary. The systems interaction issue,
12 Unresolved Safety Issue A-17 was resolved via Generic Letter 89-18 with no
13 specific action required by the licensees. Guidance provided in Generic
14 Letter 89-18 will continue to be taken in account during the renewal term as
15 it has been in the initial licensing term. No additional requirements should
16 be necessary. The scope of license renewal should be limited to those systems
17 and structures required to perform a safety function by regulation. The
18 definition also contains words which require that an SSC continue to function
19 with sufficient reliability to maintain the licensing basis. This requirement
20 is vague and would be difficult to demonstrate. It could be interpreted to
21 require a PRA which establishes reliability numbers on a system or component
22 level. This would be inconsistent with other portions of the rulemaking
23 package which explicitly state that a PRA is not required for license renewal.
24 The wording discussed above should be removed and replaced with words which
25 correlate to the identification of safety functions under the definition of
26 SSCs important to license renewal.

27 Testing, qualification and preventative and corrective maintenance
28 should be added to the list of items that programs can include.

29 ¹³ Reference to FSAR should be removed since all programs are not
30 typically included in the FSAR. Established Effective Programs should not
31 need to be documented in the FSAR. There are many program manuals (e.g. fire
32 protection or inservice inspection manuals) that describe programs which
33 satisfy all other criteria of the definition and legitimately qualify programs
34 which effectively manage aging. Many older FSARs have been maintained in
35 their original format (in accordance with 10CFR50 Part 50.71(e), the FSAR
36 update rule) and therefore have been supplemented by program documents when
37 new program requirements were addressed. Many processes are controlled by the
38 Administrative Controls section of the plant's Technical Specifications.
39 Changes to plant procedures to reflect commitments made in response to Generic
40 Letters, Bulletins, I & E inspection findings, etc. are typically made under

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1 (ii) Ensure that ~~all system, structure, or~~ the component's safety
2 functions are properly addressed considering the effects of and significant
3 age-related degradation, as appropriate ~~are properly evaluated by the program~~
4 ~~procedures~~, and¹⁴

5 (iii) Establish acceptance criteria against which the need for
6 corrective action is to be evaluated and require that timely corrective action
7 be taken when these criteria are not met.

8 "Nuclear power plant" means a commercial nuclear power facility of a
9 type described in 10 CFR §§ 50.21(b) or 50.22.

10 "Renewal term" means the period of time which is the sum of the
11 remaining number of years on the operating license currently in effect, plus
12 the additional amount of time beyond the expiration of the operating license
13 (not to exceed 20 years) which is requested in the renewal application. The
14 total number of years for any renewal term shall not exceed 40 years.

15 "Systems, structures, and components (SSCs) important to license
16 renewal" are:

17 (i) Safety-related SSCs, which are those relied upon to remain
18 functional during and following design basis events to ensure the integrity of
19 the reactor coolant pressure boundary, the capability to shut down the reactor
20 and maintain it in a safe shutdown condition, and the capability to prevent or

21 this section. Part 54 should recognize these controls and not establish a new
22 requirement.

23 ¹⁴ As previously written an applicant would be responsible for
24 evaluating the age-related degradation of a component that is periodically
25 replaced on a schedule that assures the component will continue to perform its
26 safety function. Since replacement is an effective program such an evaluation
27 should not be warranted.

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1 mitigate the consequences of accidents that could result in potential offsite
2 consequences exposure¹⁵ comparable to the 10 CFR Part 100 guidelines. Design
3 basis events are defined the same as in 10 CFR 50.49(b)(1).

4 ~~(iii) (ii) All Nonsafety-related SSCs systems, structures and~~
5 ~~components that are necessary to meet the requirements of used in a safety~~
6 ~~analysis or plant evaluation for the licensing basis. This would include, but~~
7 ~~not limited to, systems, structures and components identified in the Final~~
8 ~~Safety Analysis Report, the technical specifications, and the evaluations~~
9 ~~submitted to show compliance with the Commission's regulations such as ATWS~~
10 ~~(10CFR50.62), Station Blackout (10CFR50.63), Pressurized Thermal Shock~~
11 ~~(10CFR50.61), and Fire Protection (10CFR50.48) and Equipment Qualification.~~¹⁶

12 ~~(ii) (iii) Any including Nonsafety-related SSCs required to support the~~
13 ~~performance of safety functions by the safety related systems identified in~~

14 ¹⁵ The consequences of accidents are defined in terms of "offsite
15 exposure," not "offsite consequences"

16 ¹⁶ As previously written, this item would include all SSCs considered in
17 a "... safety analysis or plant evaluation for the licensing basis." This
18 would include any docketed correspondence on bulletins, generic letters or any
19 general request made by the Staff to the licensee. These words greatly expand
20 the scope of review beyond that necessary to provide a reasonable assurance of
21 the continuing protection of the public health and safety. The SSCs required
22 by this portion of the rule should only be those nonsafety-related systems
23 that are used to satisfy regulations to perform specific safety functions.
24 The Environmental Qualification rule (10CFR 50.49) specifies no requirements
25 for additional systems and is inconsistent with the intent of this definition.
26 The scope of license renewal should be limited to those SSCs required to
27 perform a safety function by regulation. This is reflected in the rewording
28 provided.

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1 ~~(1) above, whose failure could prevent satisfactory accomplishment of required~~
2 ~~safety functions.~~¹⁷

3 ~~(iv) Post accident monitoring equipment as defined in 10 CFR~~
4 ~~50.49(b)(3).~~¹⁸

5 (b) All other terms in this part have the same meaning set out in
6 10 CFR 50.2 or Section 11 of the Atomic Energy Act, as applicable.

7 § 54.5 Interpretations

8 Except as specifically authorized by the Commission in writing, no
9 interpretation of the meaning of the regulations in this part by any officer
10 or employee of the Commission other than a written interpretation by the
11 General Counsel will be recognized to be binding upon the Commission.

12 § 54.7 Written communications.¹⁹

13 ¹⁷ As previously written, this item would include any nonsafety-related
14 system whose failure could prevent satisfactory accomplishment of a required
15 safety function. This would require a systems interaction review. The
16 systems interaction issue, Unresolved Safety Issue A-17 was resolved via
17 Generic Letter 89-18 with no specific action required by licensees. Guidance
18 provided in Generic Letter 89-18 will continue to be taken into account during
19 the renewal term as it has been in the initial licensing term. No additional
20 requirements are necessary.

21 ¹⁸ This item includes Post-accident monitoring equipment as defined by
22 10 CFR 50.49(b)(3). This item should be deleted. The requirements contained
23 in the previous three items will include those SSCs that are important to
24 license renewal. The staff agreed with this position in response to a comment
25 where they stated, "Upon further review, the staff believes that this explicit
26 identification [of post accident monitoring equipment] is not necessary."
27 (NUREG-1411 (June 1990)).

28 ¹⁹ 10CFR 50.4 should be referenced in a similar manner as § 50.47,
29 § 50.54 under Part 50 -- DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION
30 FACILITIES

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1 All applications, correspondence, reports, and other written
2 communications shall be filed in accordance with applicable portions of 10 CFR
3 50.4.

4 § 54.9 Information collection requirements: OMB approval.

5 (a) The Nuclear Regulatory Commission has submitted the information
6 collection requirements contained in this part to the Office of Management and
7 Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980
8 (44 U.S.C. 3501, et seq.). OMB has approved the information collection
9 requirements contained in the part under control number _____.

10 (b) The approved information collection requirements contained in this
11 part appear in _____.

12 § 54.11 Public inspection of applications.

13 Applications and documents submitted to the Commission in connection
14 with renewal applications may be made available for public inspection in
15 accordance with the provisions of the regulations contained in 10 CFR Part 2
16 of this chapter.

17 § 54.13 Completeness and accuracy of information.

18 ~~(a) The completeness and accuracy requirements of 50.9(a) and (b) apply~~
19 ~~to the license renewal application and the renewal term granted under~~
20 ~~Part 54.~~

21 ~~(b) Following submittal of the license renewal application, the~~
22 ~~applicant will inform the NRC of any changes to the current licensing basis~~

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1 that materially affect the contents of the license renewal application. Any
2 such notification will be provided in a timely manner in the form of a written
3 amendment, submitted to the Director of Nuclear Reactor Regulation,
4 identifying the affected section of the application and identifying the exact
5 change.²⁰

6 ~~(a) Information provided to the Commission by an applicant for a license
7 or by a licensee or information required by statute or by the Commission's
8 regulations, orders, or license conditions to be maintained by the applicant
9 or the licensee must be complete and accurate in all material respects.~~

10 ~~(b) Each applicant or licensee shall notify the Commission of
11 information identified by the applicant or licensee as having for the
12 regulated activity a significant implication for public health and safety or
13 common defense and security. An applicant or licensee violates this paragraph
14 only if the applicant or licensee fails to notify the Commission of
15 information that the applicant or licensee has identified as having a
16 significant implication for public health and safety or common defense and
17 security. Notification must be provided to the Administrator of the
18 appropriate Regional Office within 2 working days of identifying the
19 information. This requirement is not applicable to information which is~~

20 ²⁰ Just as the definition of "Current Licensing Basis" should be revised
21 to reflect its changing nature, so too should the proposed rule be revised to
22 include an administrative step that would require the applicant to notify the
23 NRC staff (responsible for the review of the license renewal application) of
24 changes to the CLB that impact the applicant's integrated plant assessment, or
25 are otherwise related to activities required by Part 54. Notification would
26 be in the form of written correspondence on an as-needed basis.

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1 ~~already required to be provided to the Commission by other reporting or~~
2 ~~updating requirements.~~²¹

3 § 54.15 Specific exemptions.

4 Exemptions from the requirements of this part may be granted by the
5 Commission in accordance with § 50.12 of this chapter.

6 § 54.17 Filing of application.

7 (a) The filing of an application for a renewed license must be in
8 accordance with Subpart A of 10 CFR Part 2 and §§ 50.4 and 50.30 of 10 CFR
9 Part 50.

10 (b) Any person who is a citizen, national, or agent of a foreign
11 country, or any corporation, or other entity which the Commission knows or has
12 reason to believe is owned, controlled, or dominated by an alien, a foreign
13 corporation, or a foreign government, is ineligible to apply for and obtain a
14 renewed license²².

15 (c) An application for a renewed license may not be submitted to the
16 Commission earlier than 20 years before the expiration of the operating
17 license currently in effect.

18 (d) An applicant may combine an application for a renewed license with
19 applications for other kinds of licenses.

20 ²¹ The requirements of Section 50.9 need not be spelled out in Section
21 54.13. Like other sections of Part 50, Section 50.9 should be referenced as
22 being applicable to the license renewal application and the renewal term.

23 ²²This part deals with renewed licenses and, as such should only address
24 renewed licenses

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1 (e) An application may incorporate by reference information contained
2 in previous applications for licenses or license amendments, statements,
3 correspondence or reports filed with the Commission; provided that such
4 references are clear and specific.

5 (f) If the application contains Restricted Data or other defense
6 information, it must be prepared in such a manner that all Restricted Data and
7 other defense information are separated from unclassified information, in
8 accordance with § 50.33(j) of Part 50.

9 (g) As part of its application and in any event prior to the receipt
10 of Restricted Data or the issuance of a renewed license, the applicant shall
11 agree in writing that it will not permit any individual to have access to
12 Restricted Data until an investigation is made and reported to the Commission
13 on the character, association, and loyalty of the individual and the
14 Commission shall have determined that permitting such person to have access to
15 Restricted Data will not endanger the common defense and security. The
16 agreement of the applicant in this regard is part of the renewed license,
17 whether so stated or not.

18 § 54.19 Contents of application - general information.

19 Each application shall provide the information specified in § 50.33(a)
20 through (e), (h), (i) of Part 50. Alternatively, the application may
21 incorporate by reference other documents that provide the information required
22 by this section.

23 § 54.21 Contents of application - technical information.

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1 Each application must include a supplement to the Final Safety Analysis
2 Report (FSAR) which presents the information required by this part. The FSAR
3 supplement must include an evaluation of the aging mechanisms that are known
4 to be present and that result in significant age-related degradation of the
5 plant's systems, structures, and components important to license renewal²³,
6 and a demonstration that the effects of such degradation will be effectively
7 managed throughout the renewal term. Each FSAR must contain the following
8 information:

9 (a) Integrated plant assessment. An integrated plant assessment will
10 be conducted which demonstrates that significant age-related degradation of
11 the facility's systems, structures, and components important to license
12 renewal has been identified, evaluated, and accounted for as needed to assure
13 the capability of the systems, structures and components to perform their
14 safety function(s) during the renewal term ~~that the facility's current~~
15 ~~licensing basis will be maintained throughout the term of the renewed~~
16 ~~license~~²⁴. The "Methodology to Evaluate Plant Systems, Structures and
17 Components for License renewal, NUMARC 90-1 October 1990, is an acceptable

18 ²³ Not all of a facility's systems, structures and components contribute
19 to plant safety. Only those components which are important to license renewal
20 need to be considered under the scope of the Integrated Plant Assessment.
21 This also limits the scope to significant age-related degradation as defined
22 in § 54.3(a).

23 ²⁴ The purpose of this requirement is to ensure that the subject
24 structures and components will continue to perform as designed; in other
25 words, they will continue to perform during the renewal term the same safety
26 functions required for the initial term. Therefore, § 54.21(a)(5) should be
27 tied to the safety function of the structure or component.

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1 ~~method.~~²⁵ Each license renewal applicant shall identify and justify any
2 changes in the current licensing basis associated with age-related
3 degradation. ~~Each license renewal applicant shall reference, by listing those~~
4 ~~compile a list of documents identifying portions of the current licensing~~
5 ~~basis relevant to in the integrated plant assessment, to be submitted as part~~
6 ~~of the application, and maintain all documents describing the current~~
7 ~~licensing basis in an auditable and retrievable form.~~²⁶ Each applicant shall
8 review use the current licensing basis compilation where appropriate for the
9 purpose of determining ~~the systems, structures, and components to be evaluated~~

10 ²⁵ The industry has developed a method of performing an integrated plant
11 assessment. This methodology has been submitted to the NRC for review and
12 comment. Reports detailing its use and the results for both lead plants have
13 been submitted to the Staff for their review and comment. This methodology is
14 consistent with the principles as outlined in the rulemaking package and
15 should be acceptable as one way of completing the Integrated Plant Assessment.
16 The referenced version of the methodology would be that which a final SER is
17 written.

18 ²⁶ Since the CLB is adequate, as has been set forth in the statement of
19 considerations and in various portions of the proposed rule, neither the
20 compilation of the CLB nor compilation of a list of CLB documents for the
21 purpose of conducting the IPA is unnecessary. No such compilation is required
22 for the determination of SSC's important to safety and thus subject to
23 environmental qualification (Part 50.49) which the definition of SSC's
24 important to license renewal parallels. If such a compilation for
25 environmental qualification under the current licensing basis was not
26 required, it is not clear why such a compilation should be required for the
27 identification of SSC's important to license renewal.

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1 and the acceptance criteria to be used in the integrated plant assessment.²⁷

2 This assessment must:

3 (1) Describe the applicant's methodology, for the identification of
4 all SSCs systems and structures²⁸ important to license renewal, as defined in
5 § 54.3(a), and list the identified SSCs systems and structures.

6 (2) Describe the applicant's methodology, including selection
7 criteria, for determining components ~~the identification of those structures~~
8 ~~and components~~ that are constituent elements of the SSCs systems and
9 structures on the list from paragraph (a)(1) of this section that contribute
10 to the performance of an identified system or structure ~~listed SSC's~~ safety
11 function or whose failure could directly prevent²⁹ an identified system or

12 ²⁷ In § 54.21(a), prior to modification, each applicant was required to
13 use the current licensing basis in identifying those SSCs to be evaluated and
14 the acceptance criteria to be used in the Integrated Plant Assessment (IPA).
15 All of the CLB is not used to make the determination in Step (1) and/or the
16 remaining Steps (2), (3) and (4). The CLB should be used where appropriate.
17 However, the use of the CLB will differ depending on the step in the industry
18 methodology and the SSC or commodity group (e.g., MOVs, piping, or cables)
19 being assessed. Furthermore, when part of the CLB is used, it does not mean
20 that the applicant must reverify the design basis or reconfigure the plant.
21 Such a requirement would be contrary to the key principle that the current
22 licensing basis provides an acceptable level of safety.

23 ²⁸ Paragraph (2) is redundant to paragraph (1) as originally written.
24 The intent appears to be to identify those components of identified systems
25 and structures which are important to the safety function of the systems and
26 structures important to license renewal. But since paragraph (1) identifies
27 "SSC's" the second step has already been done. 54.21(a)(1), (2), (3) and (4)
28 have been rewritten to identify first the systems and structures, then
29 identify the constituent components, noting that structures are composed of
30 components as well.

31 ²⁹ The requirement to perform a review of a component failure that could
32 prevent an identified system or structure from performing its intended safety
33 function could be interpreted to require a systems interaction review. The
34 systems interaction issue, Unresolved Safety Issue A-17 was resolved via
35 Generic Letter 89-18 with no specific action required by the licensees.

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1 ~~structure listed~~ SSC from performing its intended safety function, and list
2 such identified ~~structures and~~ components.

3 (3) Describe the applicant's methodology for the identification of
4 those ~~structures and~~ components identified in paragraph (a)(2) of this section
5 that are subject to an established effective program as defined in § 54.3(a),
6 which will continue to ~~ensure~~ provide reasonable assurance of³⁰ the capability
7 of the ~~structures and~~ components to perform their safety functions during the
8 renewal term, and list such identified ~~structures and~~ components and the
9 associated established effective programs.

10 (4)~~(4)~~ For those ~~structures or~~ components included on the list from
11 identified in paragraph (a)(2) of this section ~~but not included on the list~~
12 ~~from~~ which are not subject to established effective programs in paragraph
13 (a)(3) of this section, ~~describe and provide the bases for actions taken or to~~
14 ~~be taken to manage the age-related degradation~~ Identify those for which age-
15 related degradation is not potentially significant with regard to the ability
16 of the component to perform its safety function and provide a basis for that
17 conclusion. ~~or demonstrate, by evaluation, that the age-related degradation~~
18 ~~is not significant with respect to the current licensing basis.~~

19 ~~(4)~~(5) For those components remaining, describe and provide the basis for
20 Actions to be taken to further assess or manage the potentially significant
21 manage age-related degradation; ~~could include but are not limited to~~

22 Guidance provided in Generic Letter 89-18 will continue to be taken in account
23 during the renewal term as it has been in the initial licensing term. No
24 additional requirements should be necessary.

25 ³⁰ "ensure" should be replaced with "provide reasonable assurance of"
26 this phrase more correctly represents the necessary demonstration.

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1 maintenance, component replacement, or refurbishment; modification of
2 operating practices; or establishment of a program to evaluate and trend
3 effects of the degradation during the renewal term. Actions to assess or
4 manage potentially significant age-related degradation, may include, but are
5 not limited to:

6 (i) Further analysis to demonstrate that the age-related degradation is
7 not significant to the component safety function,

8 (ii) Further analysis to demonstrate that the failure of the component
9 to perform its safety function is not significant to plant safety,

10 (iii) Replacement or refurbishment of the component on a schedule that
11 precludes age-related degradation to the component from being significant to
12 the component safety function, or

13 (iv) Instituting practices that manage component age-related degradation
14 consistent with the criteria for an established effective program.³¹

15 The basis of any action could include information concerning the component
16 design requirements, functions, environmental conditions, the degradation
17 mechanisms, and any other relevant information as necessary to demonstrate
18 that the action ~~will be effective in ensuring the~~ will continue to ensure the
19 safe operation of the plant.

20 ³¹ Steps 4(i) and 4(ii) are two discrete steps and should be separated.
21 Components which have made it to this point should first be evaluated to
22 determine if age-related degradation is of actual significance. Following
23 that determination, those components for which the insignificance of age-
24 related degradation can not demonstrated will be evaluated to a greater level
25 of detail utilizing one of the methods described.

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1 (b) Exemptions. ~~A list of all plant specific exemptions granted~~
2 ~~pursuant to 10 CFR 50.12, and reliefs granted pursuant to § 50.55(a)(3).~~³²

3 For those plant specific exemptions granted pursuant 10 CFR 50.12 ~~and reliefs~~
4 ~~that were granted~~ on the basis of an assumed explicit service life or period
5 of operation bounded by the original license term of the facility, or
6 otherwise related to SSCs subject to significant age-related degradation, a
7 justification for continuing these exemptions ~~and reliefs~~ must be provided.

8 (c) Plant modifications. A description of any proposed modifications
9 to the facility, its Technical Specifications³³ or its administrative control
10 procedures resulting from the evaluation or analysis required by paragraph (a)
11 or (b) of this section.

12 § 54.22 Backfitting³⁴

13 ³² Only those plant specific exemptions which are time dependent should
14 be evaluated and provided to the NRC. Providing a list of all exemptions is
15 not consistent with the scope of license renewal. Relief requests pursuant to
16 50.55(a)(3) are reviewed regularly at 10 year intervals as part of the
17 Inservice Inspection Program. As such any time dependencies would have to be
18 reviewed and justified every 10 years as part of that submittal. This
19 precludes the need to review those as part of the license renewal process.

20 ³³ Plant modifications may require a changes to the technical
21 specifications. If a change is necessary a description associated with the
22 plant modifications required for license renewal should be included here.

23 ³⁴ In the Statement of Considerations on page 43 it is pointed out the
24 extent to which § 50.109 applies to license renewal. Unfortunately, although
25 these views are clearly expressed in the Statement of Considerations, they are
26 not reflected in the rule itself. The rule should make clear how the Backfit
27 rule should be used during the review of a license renewal application.

28 § 54.22 has been written such that those structures and components,
29 which are properly screened (either dispositioned as a result of current
30 effective programs, treated by additional aging management techniques or for
31 which age-related degradation is not significant), should be acceptable for

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1 (a) During the review of a renewal application, the provision of
2 50.109 shall apply as follows:

3 (1) Staff initiated Backfits proposed as required to assure adequate
4 protection or conformance with written commitments by the licensee arising
5 from the plant analysis under steps (a)(3), (a)(4) or (a)(5) of Section 54.21
6 shall be governed by 50.109(a)(4).

7 (2) All other proposed backfits required to address age-related
8 degradation shall be justified in accordance with 50.109(a)(3) and (c).

9 (3) In all instances of imposed backfits where alternatives exist for
10 satisfying a staff-imposed change, Section 50.109 (a)(7) shall apply.

11 (b) During the renewal term, the provisions of 50.109 shall apply in
12 their entirety to all backfits imposed by the staff.

13 § 54.23 Contents of application - environmental information.

14 Each application must include an environmental report that complies with
15 the requirements of Subpart A of Part 51 of this chapter.

16 § 54.25 Report of the Advisory Committee on Reactor Safeguards.

17 Each renewal application must be referred to the Advisory Committee on
18 Reactor Safeguards for a review and report. Any report must be made part of

19 the renewal term. If the requirement for adequate protection of the public
20 health and safety are not met or the NRC determines that, to continue to meet
21 regulatory requirements and licensee commitments in the renewal term,
22 additional aging management actions are necessary for those components
23 dispositioned in § 54.21(a)(3), (4) or (5), that action should be so ordered
24 by the NRC. The provision also allows applicants to choose among satisfactory
25 aging management options based on cost or resources as is presently allowed.

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1 the record of the application and made available to the public, except to the
2 extent that security classification prevents disclosure.

3 § 54.27 Hearings.

4 A notice of an opportunity for a hearing will be published in the
5 Federal Register, in accordance with § 2.105 of Part 2. In the absence of a
6 request therefor filed within 30 days by a person whose interest may be
7 affected, the Commission may issue a renewed operating license without a
8 hearing, upon 30-day notice and publication once in the Federal Register of
9 its intent to do so. Any hearing on an application for a renewed operating
10 license under this Part 54 shall be confined solely to the issues of whether
11 (i) the Commission may properly make, as to such license, the finding set
12 forth in Section 54.29 (b), and (ii) the requirements of Part 51 of this
13 Chapter with respect to the renewal of a nuclear power plant operating license
14 have been met. No other issue shall be considered.³⁵

15 § 54.29 Generic Finding on Acceptability of Plants' CLBs and Standards for
16 Issuance of a Renewed License.

17 ³⁵ The second full paragraph on p. 46 of the Statement of Considerations
18 points out a number of limitations on the scope of litigable issues in a
19 license renewal proceeding. Basically, these issues are limited to age-
20 related degradation and those environmental issues related specifically to
21 license renewal. Unfortunately, although these views are clearly expressed in
22 the Statement of Considerations, they are not reflected in the rule itself.
23 The rule should make clear that the scope of issues litigable at the hearing
24 is limited to those issues which the NRC has determined are specifically
25 germane to license renewal, so that the license renewal hearing does not
26 become a means for revisiting the CLB itself.

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1 (a) Based on the rulemaking record, the Commission hereby finds and
2 determines that (i) CLBs for operating nuclear power plants provide an
3 acceptable standard and baseline to evaluate the effects of age-related
4 degradation for the renewal term, and (ii) that, CLBs with the exception of
5 age-related degradation and the findings of § 50.57(a), that authorized
6 initial and continued operations, continue in effect for license renewal
7 terms.

8 (b) Based on (a) a renewed license may be issued by the Commission, up
9 to the full term authorized by § 54.31, based upon a finding that actions have
10 been identified and have been or will be taken with respect to significant
11 age-related degradation of SSCs important to license renewal, such that the
12 facility can be operated for the term of the renewed license without
13 endangering the public health and safety, or the common defense and
14 security.³⁶

15 ~~A renewed license may be issued by the Commission, up to the full term~~
16 ~~authorized by § 54.31, based upon a finding that actions have been identified~~
17 ~~and have been or will be taken with respect to age related degradation of~~
18 ~~those SSCs important to license renewal, such that there is reasonable~~
19 ~~assurance that the activities authorized by the renewed license can be~~
20 ~~conducted in accordance with the current licensing basis. Such a finding will~~

21 ³⁶ Under this approach, plant CLBs, as amended to account for the effects
22 of significant age-related degradation, would continue in effect under renewed
23 licenses. Licensees would continue to be bound by all NRC regulatory
24 requirements (proposed § 54.33(a) and 54.35), and plant CLBs would continue to
25 be used, as necessary, to demonstrate compliance with those requirements.
26 Thus, the license renewal process would be framed in the same consistent
27 manner that governed reactor operations for the first 40 years.

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1 ~~constitute a finding that the facility can be operated for the term of the~~
2 ~~renewed license without endangering the public health and safety or the common~~
3 ~~defense and security and the findings under 10 CFR 50.57(a) need not be made~~
4 ~~in order to issue a renewed license.~~

5 § 54.31 Issuance of a renewed license.

6 (a) A renewed license must be of the class for which the operating
7 license currently in effect was issued.

8 (b) A renewed license will be issued for a fixed period of time to be
9 specified in the license, ~~but in no case to exceed 40 years from the date of~~
10 ~~issuance~~ The term of a renewal license will be equal to the period of time
11 remaining on the operating license currently in effect at the time of the
12 approval of the application plus the additional period of time justified
13 requested by the licensee (~~but no longer than~~ an amount not to exceed 20
14 years). In no case shall this total exceed 40 years from the date of
15 issuance.³⁷

16 (c) The renewed license shall be issued after its application has been
17 finally determined (including administrative and judicial appeals) and³⁸ will

18 ³⁷ Clarification of intent.

19 ³⁸ The wording of proposed Section 54.31(c) does create an uncertainty
20 which should be removed. According to Section 54.31, a renewed license
21 becomes immediately effective upon its issuance and the initial operating
22 license thereupon is "entirely ineffective and superseded." This language
23 could be interpreted to have the unintended effect of leaving the facility
24 without any effective license in the unlikely event that the renewed license
25 for some reason was set aside on administrative or judicial appeal. Because
26 the initial operating license would have become "entirely ineffective," it is
27 not clear that the timely renewal doctrine in proposed Section 2.109(b) would
28 apply to keep the initial license in effect. To avoid this interpretation, we
29 recommend that proposed Section 54.31 be revised so that issuance of the
30 renewed license not occur until completion of any administrative and judicial

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1 become effective immediately upon its issuance, thereby rendering the
2 operating license previously in effect entirely ineffective and superseded.

3 (d) A renewed license may be subsequently renewed upon expiration of
4 the renewal term, in accordance with all applicable requirements. The
5 application for such a subsequent renewal, if desired, may be submitted prior
6 to the expiration of the previous renewal term.³⁹

7 ~~§ 54.33 Continuation of current licensing basis and~~ Conditions of renewed
8 license.

9 (a) Whether stated therein or not, the following are conditions of
10 every renewed license issued under this part:

11 (1) Each renewed license will contain and otherwise be subject to the
12 conditions set forth in §§ 50.54 and 50.55a(g) of this chapter.

13 (b) Each renewed license will be issued in such form and contain such
14 conditions and limitations, including technical specifications, as the
15 Commission deems appropriate ~~and necessary to address age-related~~
16 ~~degradation~~⁴⁰, including such provisions with respect to any uncompleted items

17 review proceedings. This would leave the initial operating license in effect,
18 either because its original 40-year term had yet to expire or through
19 operation of the timely renewal doctrine.

20 To accomplish this, proposed Section 54.31(c) has been reworded (using
21 language borrowed from proposed Section 2.109(b).

22 ³⁹ This sentence has been clarified to allow a second application prior
23 to the expiration of the first renewal.

24 ⁴⁰ The referenced phrase should be deleted since it creates the
25 impression that the Commission intends to regulate the actions necessary to
26 manage age-related degradation through technical specifications which is

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1 of plant modification and such limitations or conditions as ~~the Commission~~
2 ~~believes~~ are required to ~~ensure~~ ~~assure~~⁴¹ that operation during the period of
3 completion of such items will not endanger public health and safety. Other
4 conditions and limitations, including technical specifications, in the ~~current~~
5 ~~licensing basis~~ that do not address age-related degradation continue in effect
6 for the renewed license.

7 (c) Each renewed license will include those conditions to protect the
8 environment that were imposed pursuant to § 50.36b and that are part of the
9 ~~current license~~⁴² ~~ing basis~~ for the facility at the time of issuance of the
10 renewed license. These conditions may be supplemented or amended as necessary
11 to protect the environment during the term of the renewed license and will be
12 derived from information contained in the supplement to the environmental
13 report submitted pursuant to § 51.53(b) of this chapter, as analyzed and
14 evaluated in the NRC record of decision. The conditions will identify the
15 obligations of the licensee in the environmental area, including, as
16 appropriate, requirements for reporting and recordkeeping of environmental
17 data and any conditions and monitoring requirements for the protection of the
18 nonaquatic environment.

19 (d) ~~The licensing basis for the renewed license shall include the~~
20 ~~current licensing basis, as defined in Section 54.3(a); the inclusion in the~~

21 inconsistent with current practice.

22 ⁴¹ Consistent with terminology used in 50.57(b).

23 ⁴² Since reference in both cases are to conditions of the license it is
24 more appropriate that the license is referenced rather than the licensing
25 basis.

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1 ~~licensing basis of matters such as licensee commitments does not~~ Nothing in
2 this part shall change the legal status of the current licensing basis ~~these~~
3 ~~matters~~ unless specifically so ordered ~~pursuant to paragraphs (b) or (c) of~~
4 ~~this section.~~⁴³

5 § 54.34 Withdrawal.

6 The application for a renewal license may be withdrawn by the applicant
7 at any time and without cause, subject only to payment of required fees. Such
8 withdrawal will not affect any valid license held by the applicant at the time
9 of the withdrawal.⁴⁴

10 § 54.35 Requirements during term of renewed license.

11 During the term of a renewed license, licensees shall continue to comply
12 with all Commission regulations contained in 10 CFR Parts 2, 19, 20, 21, 30,
13 40, 50, 51, 55, 72, 73, and 100 and appendices thereto which are applicable to
14 holders of operating licensees.

15 § 54.37 Additional records and recordkeeping requirements.

16 The licensee shall retain in an auditable and retrievable form for the
17 term of the renewed operating license all information and documentation

18 ⁴³ Proposed section 54.33(d) incorporation of the current licensing
19 basis into licensing basis should be deleted because it has been replaced by
20 NUMARC's revised section 54.29. Moreover, section 54.33(d) must be modified
21 to avoid the possible interpretation that it and NRC's proposed section 54.29
22 intend the CLB to become either a condition or a part (like technical
23 specifications) of the renewed licenses. Continuation of the present legal
24 status of the current licensing basis must be specifically stated to avoid
25 this confusion.

26 ⁴⁴ The rule should include an option to allow an applicant for license
27 renewal to withdraw the application at any time during the proceeding.

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- 1 required by, or otherwise necessary to document compliance with, the
- 2 provisions of this part.