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NUCLEAR REGULATORY COMMISSION
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SRNs
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1-793-6-30-93

ENCLOSURE
1-793-6-30-93

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

William C. Parler
General Counsel

FROM: *for* Samuel J. Chalk, Secretary

SUBJECT: COMSECY-93-029 - DRAFT RULEMAKING PACKAGE ON
LICENSE RENEWAL

SECY-93-049 - IMPLEMENTATION OF 10 CFR PART
54, "REQUIREMENTS FOR RENEWAL OF OPERATING
LICENSES FOR NUCLEAR POWER PLANTS"

SECY-93-113 - ADDITIONAL IMPLEMENTATION
INFORMATION FOR 10 CFR PART 54, "REQUIREMENTS
FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR
POWER PLANTS"

The Commission, after considering the options and recommendations set forth in SECY-93-049, SECY-93-113, and COMSECY-93-029, has the following views with regard to the course of action that should be taken on license renewal:

The Commission believes that it is essential that there be a predictable and stable regulatory process that defines the Commission's expectations in a clear and unequivocal way, so that licensees can make decisions about license renewal without those decisions being influenced in one direction or another as a result of a regulatory process that is perceived to be uncertain, unstable, or not clearly defined.

Based upon the agency's experience with currently operating reactors, the Commission believes that it is appropriate to allow license renewal applicants to rely to a considerable extent on existing activities and programs to ensure that a plant will continue to operate safely during the extended period of operation.¹ Such activities and programs, including periodic

¹ For activities such as those that fall within the scope of the maintenance rule which will become effective in 1996, it is implicit that they have the objective of maintaining the

replacement and refurbishment programs, have proven effective in managing aging during the initial license term and, hence, can serve as a basis for concluding that aging for many structures and components, particularly short-lived components, will be effectively managed during the renewal term, if these programs and activities are simply continued for the period of extended operation. For this reason, the Commission wishes to ensure that such activities and programs are given maximum credit where appropriate.

The Commission believes that in order to accomplish the foregoing, it would be useful to convene a public workshop. The Commission is willing to assume as a predicate for holding the workshop that rulemaking is likely to be required to change some aspects of Part 54. Thus, the participants in the workshop should be prepared to discuss their evaluation of the recommendations provided by the staff, their proposals involving experience with the staff approach by practical application, and proposals for possible amendment to Part 54. However, this operative assumption will not prejudice the Commission's ultimate decision following the workshop and the NRC staff's evaluation and recommendation based upon the record of that workshop. Accordingly, the Commission agrees to the following:

- (a) A public workshop should be convened, for the purpose of evaluating alternative approaches to how best to take advantage of existing licensee activities and programs as a basis for concluding that aging will be addressed in an acceptable manner, consistent with the fundamental principles of license renewal, during the extended period of operation. In particular, the Commission would like the staff to examine the extent to which greater reliance can be placed on the maintenance rule, which will become part of a licensee's current licensing basis in July of 1996, as a basis for concluding that aging will be effectively addressed for purposes of license renewal. The Commission wishes to emphasize that it would like a full discussion and presentation of the means to accomplish the foregoing objectives, without limiting the discussion to those options that can be pursued under the language of the existing license renewal rule.
- (b) For the purpose of ensuring a focused discussion of the issues set forth in (a), above, at the

functionality of SSCs as set forth in the CLB. As with all our regulations and regulatory requirements, the maintenance rule need not explicitly reference the CLB to accomplish that purpose.

public workshop, SECY-93-049, SECY-93-113, COMSECY-93-029, the memorandum from the EDO to the Commission dated May 14, 1993, and the proposed rule language contained in Commissioner Curtiss' vote on COMSECY-93-029 should be published in advance of the workshop, made available to workshop participants, and serve as the vehicle for initiating discussions at the workshop.

- (c) The staff should proceed with the scheduling of such a workshop as soon as is reasonably possible.
- (d) At the conclusion of the workshop, the staff should submit to the Commission for its consideration a summary of the results of the workshop. In considering whether rule changes are necessary, the Commission believes it is important to evaluate whether -- (i) the approach that the staff proposes to take is inconsistent with the existing license renewal rule; (ii) the existing license renewal rule is silent on the approach that the staff proposes to take, but the Statement of Considerations contains language conflicting with the staff's proposed approach; or (iii) the existing license renewal rule and the Statement of Considerations, taken together, are ambiguous and hence would lend themselves to alternative interpretations with regard to the acceptability of the staff's proposed approach. The staff's summary of the results of the workshop and draft proposed rulemaking, as a result of applying the above criteria, should be submitted to the Commission no later than 60 days from the conclusion of the workshop.

Commissioner Remick would not have prejudiced the outcome of the workshop towards rulemaking, but instead would have awaited the recommendations of the staff at the conclusion of the workshop before determining what further action would be needed.

The staff should continue working with the Owners Groups and any interested utilities to pursue resolution of license renewal issues in parallel with the activities discussed above.

With regard to the remaining staff positions in SECY-93-049:

- (a) The Commission approves of the staff's recommendation to treat equipment qualification and fatigue as potential safety issues within the existing regulatory process for operating reactors. The Commission would like to be periodically apprised of the staff's efforts in

these two areas.

- (b) The Commission approves of the staff's recommended approach for handling the NUMARC industry reports.
- (c) The Commission concurs with the staff's conclusion that the form of the renewal license does not affect the scope of the technical issues reviewed or the safety evaluations required.

cc: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
OGC
OIG
Office Directors, Regions, ACRS, ACNW (via E-Mail)
ASLBP (via FAX)

SPMs

July 1991 - Dec 1991