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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555
February 9, 1993

OFFICE OF THE
COMMISSIONER

MEMORANDUM FOR: Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

FROM: James R. Curtiss *Jim R. Curtiss*

SUBJECT: LICENSE RENEWAL RULE IMPLEMENTATION ISSUES

I would like to thank you and the other members of the staff for yesterday's most informative briefing on the staff's current thinking regarding implementation of 10 CFR Part 54, the license renewal rule. Having carefully reflected upon the matters discussed during the presentation, I thought it would be helpful to set out my thoughts in writing concerning several important issues that I believe need to be addressed by the staff, in close coordination with the Office of General Counsel, as the staff prepares its recommendations for Commission consideration regarding implementation of the license renewal rule. The issues that I believe need to be addressed in more detail are as follows:

- (1) Please discuss in detail what the staff sees as the impediments or difficulties to applying the current license renewal rule in a manner that would permit the agency to find that structures and components are not subject to age-related degradation unique to license renewal in accordance with the provisions of Paragraph 54.21(a)(3) of the rule if their performance and/or conditions are managed in an ongoing manner in accordance with the provisions of the maintenance rule?¹

¹During the staff's presentation, the staff stated that in order to eliminate structures and components under Paragraph 54.21(a)(3), license renewal applicants would have to explicitly address, at the component level, individual age related degradation mechanisms and cited the requirements of Paragraph 54.21(a)(4)(iii) as the basis for this position. Paragraph 54.21(a)(4)(iii) requires that a renewal applicant describe and justify:

"The technical criteria to be used in determining whether an SC is subject to age-related degradation unique to license renewal."

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- (2) Please discuss in detail what the staff sees as the impediments or difficulties to applying the current license renewal rule in a manner that would permit the agency to find that structures and components are covered by an "effective program" in accordance with Paragraph 54.21(a)(5)(i) of the rule based solely upon the fact that their performance and/or conditions are managed in accordance with the provisions of the maintenance rule?² Explain in more detail the basis for the staff's position that the maintenance rule, alone, is not a sufficient basis upon which to conclude that a licensee has an "effective program." In this regard, explain why agency reliance on the actions that a licensee takes pursuant to the maintenance rule is acceptable for currently operating plants, even though not all structures and components covered under that rule are subject to technical specifications or other regulations, but would not be sufficient in the context of license renewal?
- (3) Regarding Paragraph 54.21(a)(6), what latitude does the agency have in determining acceptable levels of rigor and specificity in the showing required by this provision? Could a process for the development and use of acceptance criteria be presented and justified in the application in lieu of individual acceptance criteria for each SC?

The language of 54.21(4)(iii) would appear to give the staff broad discretion in establishing what technical criteria would be necessary and sufficient to support screening out SCs as not subject to ARDULR.

²During the staff's presentation, the staff indicated that licensee actions carried out pursuant to the maintenance rule, alone, may or may not, as a technical matter, constitute an effective program under the license renewal rule. At the conclusion of the presentation, it was unclear whether the staff believed that, as a legal matter, effective programs must also be specified by rule, technical specification, license condition, or docketed commitment. The staff was also unclear as to the level of specificity required in any or all of the foregoing to satisfy the requirements of the license renewal rule. The language of Paragraph 54.33(b), would seem to suggest that the agency has considerable discretion in specifying whether or not license conditions or technical specifications are "appropriate and necessary to address age-related degradation unique to license renewal."

- (4) The license renewal rule does not provide for the use of PRA in the IPA to screen out SSCs as not important to license renewal. To what extent, if at all, could PRA insights be employed to provide the basis for determining that an effective program is unnecessary in accordance with the provisions of Paragraph 54.21(a)(5)(ii), or the appropriateness of acceptance criteria established pursuant to paragraph 54.21(a)(6)(ii)?

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
SECY
OGC

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