

June 20, 2000

David A. Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1616 P Street, NW, Suite 310
Washington, DC 20036-1495

SUBJECT: COMMENTS ON DRAFT STANDARD REVIEW PLAN FOR LICENSE RENEWAL

Dear Mr. Lochbaum:

In your letter dated March 14, 2000, you asked two questions regarding the accuracy and completeness of the license renewal application for Calvert Cliffs. Although your letter states that a written response to your letter is unnecessary, I believe that these issues deserve clarification. You stated that your questions were prompted by the proposed guidance in the draft Standard Review Plan for License Renewal (SRP-LR), which states:

Docketing of a timely and sufficient renewal application does not preclude requesting additional information as the review proceeds; nor does it predict the NRC's final determination regarding the acceptance or rejection of the renewal application.

Inasmuch as 10 CFR Section 54.13 requires that a renewal application must be complete and accurate in all material respects, you asked: *Did BG&E violate §54.13 or did the NRC ask a lot of immaterial questions?*

The review process for license renewal applications is similar to the processes under which the NRC considers applications for original licenses and amendments. The acceptance review determines whether the application includes the required information in enough detail to proceed with the review. As described in the SRP-LR, a decision that the application is timely and sufficient does not preclude the staff from asking questions about the content of the application to clarify the applicant's proposal, challenge the applicant's technical basis, or to establish staff positions on the merits of an application.

As you know, the design and operation of a nuclear power plant is technically complex. The granting of a renewed license is based on a conclusion that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the plant's licensing basis. The technical evaluations necessary to make a determination with respect to such a conclusion are complex. Accordingly, it is reasonable to expect that, before the NRC staff would grant or deny an application, clarification or additional justification would be requested for specific matters discussed in the application, even though it is accurate and complete on its face.

Section 54.13 is based on Section 50.9 and the Statements of Consideration (SOC) for the final rule promulgating Section 50.9 states:

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... [I]n the context of reviewing an initial application or a renewal application for a license, it is not uncommon for an NRC reviewer to seek additional information to clarify his or her understanding of the information already provided. This type of inquiry by the NRC does not necessarily mean that incomplete information which would violate this rule has been submitted.

You posed a second question that was predicated on a conclusion that the application was not complete and accurate: *If BG&E did not file a complete and accurate application or if the NRC staff was indeed asking material questions of BG&E about its application, should not the Federal Register notice of an opportunity for a hearing been published much later than it was?*

The very point of the acceptance review is to determine that there is sufficient information in the application to begin the licensing process. If there is not sufficient information in the application, it will not be docketed and the process will not begin. The information needed to begin the review process is the same information that a person whose interest may be affected by the proceeding needs to consider in deciding whether or not to request leave to intervene or a hearing. Should such a person decide to submit such a request, that information is sufficient for him or her to identify any technical issues and attempt to formulate contentions. The Commission's regulations in 10 CFR Part 2 that govern notices of opportunity for hearings and intervention reflect this.

Confidence in the NRC's regulatory process is important to us. Therefore, we would like to better understand your other concerns so that we can clarify the license renewal process to the greatest extent practical before we seek formal public comments on this guidance in August 2000. Please contact me by phone (301-415-1183 or by e-mail at cig@nrc.gov) to identify the concerns you would like to discuss, and suggest dates so that we may schedule a public meeting for a mutually agreeable time.

Sincerely,

/RA/

Christopher I. Grimes, Chief
License Renewal & Standardization Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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Christopher I. Grimes, Chief
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