

December 21, 2001

Mr. Alan Nelson
Nuclear Energy Institute
1776 I Street, NW., Suite 400
Washington, DC 20006-3708

Mr. David Lochbaum
Union of Concerned Scientists
1707 H Street, NW
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Washington, DC 20006-3919

SUBJECT: STAFF GUIDANCE FOR UPDATING THE IMPROVED LICENSE RENEWAL
GUIDANCE DOCUMENTS

Dear Messrs. Nelson and Lochbaum:

The purpose of this letter is to solicit comments on proposed process to update and provide additional staff guidance on the improved license renewal guidance documents. On October 11, 2001, the NEI License Renewal Task Force met with the Nuclear Regulatory Commission (NRC) staff in Rockville, Maryland, to discuss the NEI Demonstration Project using the improved license renewal guidance documents. The purpose of this public meeting was to discuss lessons learned by the staff and NEI from the demonstration project and recommendations for guidance document enhancements from the staff and NEI, including the basis for the enhancements. The participants also discussed implementation issues and future plans for the demonstration project. The improved guidance documents consist of: NUREG 1801, "Generic Aging Lessons Learned (GALL) Report", NUREG 1800, "Standard Review Plan for License Renewal" (SRP-LR), Regulatory Guide 1.188, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses," and Nuclear Energy Institute NEI 95-10, "Industry Guideline for Implementing the Requirements of 10 CFR Part 54 -- The License Renewal Rule."

During the meeting, NRC staff and the NEI task force took an action item regarding the future updating process for the improved licence renewal guidance documents. Each group was tasked to evaluate different processes that were used to update regulatory documents in the past. The staff's proposed guidance for updating the improved license renewal guidance is provided in the enclosure. As discussed at the October 11, 2001 meeting, it is our expectation that the NRC staff and the NEI task force will discuss this process to define a suitable approach. Your comments are requested within 60 days of the date of this letter. Should you have questions or comments, please contact Mr. David Solorio of my staff at (301) 415-1973.

Sincerely,

/RA/Signed by S. Hoffman for

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

Project No. 690
Enclosure: As stated
cc w/enclosure: See next page

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NUCLEAR ENERGY INSTITUTE

Project No. 690

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Guidance for Interim Staff Guidance Development and Implementation [Revision 0]

1.0 POLICY

Part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 54), hereafter referred to as the rule, requires an applicant that wants to extend a nuclear power plant operating license beyond the original licensing term to submit a license renewal application (LRA). To facilitate the implementation of the rule and the review and inspection of programs and activities associated with an LRA, the staff has developed the following improved license renewal guidance (ILRG) documents:

- NUREG - 1800, "Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants" (SRP-LR)
- NUREG-1801, "Generic Aging Lessons Learned (GALL) Report,"
- Regulatory Guide (RG) 1.188, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses"

In addition, the Nuclear Energy Institute (NEI) developed the following document that is endorsed in RG 1.188:

- NEI 95-10, Rev. 3, "Industry Guidelines for Implementing the Requirements of 10 CFR Part 54 - The License Renewal Rule"

The SRP-LR provides guidance to NRC staff reviewers in the Office of Nuclear Reactor Regulation (NRR). These reviewers perform safety reviews of applications to renew nuclear power plant licenses in accordance with the license renewal rule. The principal purposes of the SRP-LR are to ensure the quality and uniformity of staff reviews and to present a well-defined base from which to evaluate applicant programs and activities for the period of extended operation. The SRP-LR is also intended to make information about regulatory matters widely available, to enhance communication with interested members of the public and the nuclear power industry, and to improve the public's understanding of the staff review process. Each of the individual SRP-LR sections addresses (1) who performs the review, (2) the matters that are reviewed, (3) the basis for review, (4) the way the review is accomplished, and (5) the conclusions that are sought.

The SRP-LR references the GALL report, which evaluates existing programs generically, to document (1) the conditions under which existing programs are considered adequate to manage identified aging effects without change and (2) the conditions under which existing programs should be augmented for this purpose. The GALL report should be treated as an approved topical report (as explained in NUREG-1739).

The purpose of Regulatory Guide 1.188 is to provide guidance to the licensee on the information to be submitted in an application for renewal of a nuclear power plant operating license in a uniform format that is acceptable to the NRC staff for structuring and presenting this information. It also endorses NEI 95-10, Revision 3, as an acceptable method for implementing the requirements of the license renewal rule.

NEI 95-10 was developed by the NEI License Renewal Implementation Guideline Task Force and the NEI License Renewal Working Group for the implementation of the license renewal rule.

The staff, industry, or interested members of the public (stakeholders) may identify the need for a potential generic change or the need to clarify information provided in an ILRG document. An interim staff guidance (ISG) letter will be used to document the evaluation of stakeholder comments, enhancements to the ILRG, and development of new technical positions. The ISG will be incorporated into periodic updates to the ILRG when determined appropriate by the staff.

2.0 OBJECTIVES

This instruction ensures that interim changes to the improved license renewal documents are properly evaluated and documented. Further, this instruction establishes the responsibilities and authorities for the NRR staff in identifying changes to the ILRG using the interim staff guidance documents.

This instruction provides NRR staff with the basic framework for processing interim staff guidance. The goals of this instruction include the following:

- Ensure the continued health and safety of the public
- Improve communication and efficiency within the NRC and with its stakeholders
- Implement a documented and controlled license renewal review process
- Maintain a consistent, effective, and efficient LRA review process

3.0 BACKGROUND

Improved license renewal guidance documents have been developed to enhance the license renewal process. It is expected that as lessons are learned during LRA reviews that these guidance documents may need to be modified to capture new insights or address emergent issues. This process is to expeditiously address specific areas in the ILRG documents that need to be revised and serve as a bridge until the entire document can be revised.

Public participation is an important part of this process. The process described in Section 4.0 gives the public opportunities to obtain information and to comment on the interim staff guidance. The NRC will make interim staff guidance available to the public by publishing on the NRC website, in ADAMS, and by holding public meetings, as appropriate. Comments will be addressed and/or discussed in public meetings. An appeals process is also available, if any of the stakeholders disagree with the position described in the ISG.

4.0 INTERIM STAFF GUIDANCE PROCESS

4.1 Overview

The process is administered and controlled by the License Renewal and Standardization Branch (RLSB), Division of Reactor Improvement Programs (DRIP), NRR. Primary contributors

to the process are expected to be NRR, the Office of Nuclear Regulatory Research (RES), and the Office of the General Counsel (OGC).

The ISG Coordinator (typically an RLSB Section Chief or designee) and ISG Lead Project Manager (PM) play vital roles in the overall review process. They are responsible for documenting, planning, tracking, coordinating, and implementing resolutions of license renewal proposed ISGs. Technical Reviewers will be assigned to support the development of the ISG.

The staff evaluating ISGs must be familiar with the following documents:

- 10 CFR Part 54 and the associated statements of consideration (60 FR 22461 - 22495)
- Regulatory Guide (RG) 1.188, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses"
- NUREG - 1800, "Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants" (SRP-LR)
- NUREG-1801, "Generic Aging Lessons Learned (GALL) Report,"
- NEI 95-10, "Industry Guidelines for Implementing the Requirements of 10 CFR Part 54 - The License Renewal Rule"

In using these guidance documents, the staff may discover unclear, missing, incorrect, incomplete guidance, or the need for new guidance. The user should describe the issue in writing and send the description to the ISG Coordinator. Once documented, the issue will be controlled by this process to ensure appropriate incorporation into future updates, as necessary. Appendix B to this instruction provides an overview of the process.

4.2 Processing License Renewal Proposed ISGs

The basic activities are as follows:

- Identify and define the generic change needed to the ILRG documents (Section 4.2.1)
- Develop an evaluation plan (Section 4.2.2)
- Evaluate and resolve the ISG (Section 4.2.3)
- Implement the ISG (Section 4.2.4)

These basic activities are described in the sections below.

4.2.1 Identify and Define License Renewal Proposed ISGs

The NRC staff, industry, or members of the public may identify a potential need for an ISG.

If the proposed ISG is identified within the staff, the originator will discuss the need for an ISG with the ISG Coordinator to verify that development of the ISG is warranted. External

stakeholder requests are expected to be brought to NRC's attention via letter, phone or e-mail. Once RLSB is notified the issue will be referred to the ISG Coordinator for review.

Once a proposed ISG is received, the ISG Coordinator will:

- Determine whether the proposed ISG is applicable, has already been identified, or is unclear. Clarification of the issue is a critical input to the process. The ISG Coordinator may involve technical branches from other NRR divisions or NRC offices during the evaluation of the issue.
- Arrange a conference call or public meeting, if needed, with the originator to obtain clarification of the proposed ISG.
- Ensure that within 15 days after notification of the proposed ISG, the originator has forwarded the basis for it in writing. The basis should include the potential need and the underlying regulatory requirement that the potential ISG is attempting to satisfy. The originator should also provide a markup of the ILRG to communicate their proposed resolution. External stakeholders should be encouraged to submit their comments in a letter or e-mail to the RLSB Branch Chief.
- Ensure that within 30 days following receipt of the potential ISG a response has been provided to the originator if the proposed ISG was previously identified. The response should indicate how the issue was previously resolved or the current status of the review. The final resolution should be provided to all interested stakeholders.
- Track the proposed ISG through resolution.

4.2.2 Develop an Evaluation Plan

Planning the processing of proposed interim staff guidance is a critical step in ensuring that the review is completed in a timely and effective manner. The plan is intended to define the scope of the review, the resources needed for the review, and the schedule for resolution.

Developing the evaluation plan involves the following activities:

- The ISG Coordinator should determine the due date for the issue resolution during the initial review and discuss this determination with the RLSB Section Chief for confirmation.
- The ISG Coordinator should discuss the due date for the issue resolution with the originator.
- The RLSB Section Chief will assign a ISG Lead PM for each proposed ISG to develop a proposed resolution.
- Upon acceptance of a proposed ISG, the ISG Lead PM will obtain a technical assignment control (TAC) number through the Workload Information and Scheduling Program (WISP), if necessary. This provides a means of tracking the resources expended and work activities on each review. A separate TAC number is appropriate if

significant resources (i.e., more than 8 hours) are expected to be expended for the particular issue.

- The ISG Lead PM will assess the proposed ISG to define the scope, resources, and schedule for resolution.
- The ISG Lead PM will be responsible for coordinating the activities documented in the evaluation plan, monitoring the progress of these activities, and reporting the status of the review to the ISG Coordinator for tracking by RLSB.
- The ISG Lead PM will be responsible for obtaining clarification of the input from the originator or stakeholder. It is expected that the input will be clearly written with a proposed resolution for the identified concern. The input should include a markup of the guidance document that requires modification.
- The ISG Coordinator will track and monitor the proposed ISG's progress toward resolution.

4.2.3 Evaluation and Resolution of Proposed ISGs

4.2.3.1 Evaluation of Renewal Proposed ISGs

In most cases, the evaluation and development of a proposed resolution will be performed by NRR or RES technical branches. The ISG Lead PM will coordinate the review, proposed resolution, and implementation activities. OGC review of proposed ISG is normally required unless the change to the ILRG is editorial. The ISG Lead PM evaluating the proposed ISG is responsible for coordinating the staff's proposed resolution with all involved branches and offices.

Proposed ISGs involving multiple branches and/or offices may result in scheduling and resource conflicts or staff disagreements on the proposed resolution. The ISG Lead PM is responsible for notifying management and the ISG Coordinator of these conflicts and coordinating discussions that lead to a consensus staff position.

The ISG Lead PM shall determine if the ISG could be subject to backfit requirements. If appropriate the ISG Lead PM will ensure that, separate from the resolution of the ISG, a backfit analysis is initiated. The ISG Coordinator will maintain the status of the backfit evaluation.

Some proposed ISGs may involve policy issues that warrant Commission involvement. These issues can be identified at any time in the planning and evaluation process, and need to be discussed with the RLSB Branch Chief as soon as the potential for a Commission-level issue is identified. The staff will document the proposed ISG, the proposed options, and a staff recommendation before presenting the proposed ISG to management for submittal to the Commission. Upon receipt of the Commission's directions on the ISG, the staff will take the appropriate action implementing the Commission's decision.

4.2.3.2 Resolution of Renewal Proposed ISGs

Once a proposed resolution is finalized, it will be documented and transmitted to the originator and stakeholders for feedback. The following provides guidance for the format and content that should be used for all ISGs:

Issue Heading:

A short summary or description of the issue (one or two sentences). [Key word searches in ADAMS could be generated from the summary, so be specific.]

Description:

This section describes the proposed ISG, the originator's basis, and the proposed resolution. This section should provide a description of the issue in sufficient detail that an informed reader can understand the issue, its basis, significance, and ramifications.

Evaluation:

This section documents the staff's evaluation of the proposed ISG and should include an analysis of the proposed ISG in terms of regulatory requirements, established staff positions, industry standards, or other relevant criteria.

References:

List references mentioned in the ISG text. These could include the ASME and ANSI Codes, NUREGS, other ISGs, and Regulatory Guides.

Attachments:

This section contains the staff's markup of existing or new guidance that implements or incorporates the staff's proposed resolution (including the SRP-LR, GALL, RG 1.188, and/or NEI 95-10) and should normally be provided for all changes.

4.2.4 Implementation of the ISG

It is the ISG Lead PM's responsibility to prepare a letter to solicit comments on the proposed resolution. The letter should be addressed to NEI (with a copy to originator if different) and the Union of Concerned Scientists as the coordinator for public interest groups. Typically the concurrence chain should include the technical organization supporting the ISG or impacted by it, the OGC, and the RLSB Branch Chief. The review and concurrence should ensure the quality and consistency of the proposed resolution. The RLSB Branch Chief typically will have final signature authority on all proposed resolution letters unless otherwise specified by the RLSB Branch Chief or management. Typically, the letter will request comments on the proposed ISG within a 60 day period. For complex issues, a longer comment period may be considered. It is acceptable to issue editorial changes without comment periods.

Once, the originator and stakeholder(s) are in agreement with the proposed resolution, the proposed ISG will be considered resolved with implementation to follow. If there are no

comments on the ISG within the comment period, the staff will post the ISG on the NRC License Renewal Web page for staff and industry use. The resolution letter will also be available in ADAMS. At this point, the ISG will have a number designation representing the year and issue number (i.e. ISG 01-01). The ISG can then be referenced in an applicant's LRA.

Comments should be provided in writing to the RLSB Branch Chief within the comment period. A public meeting or conference call (minutes to be published in ADAMS) may be made to clarify the concern. The staff will work with the stakeholder to resolve their comments. Should the staff and the stakeholder fail to reach agreement, the stakeholder may appeal to NRC management. Final disposition of the comments will be documented as an attachment to the ISG.

5.0 RESPONSIBILITIES AND AUTHORITIES

All NRC staff members that participate in the review and inspection of license renewal programs and activities are responsible for reading, understanding, and applying the guidance in this instruction.

5.1 Roles and Responsibilities for the Review of Interim Staff Guidance

A. GENERAL

Division of Regulatory Improvement Programs (DRIP)

The DRIP Director is responsible for the overall development and implementation of the license renewal program and license renewal activities

License Renewal and Standardization Branch (RLSB)

The RLSB Branch Chief is responsible for oversight of license renewal activities, process development activities, overall regulatory compliance (with the assistance of the Office of the General Counsel), and implementation of the license renewal program.

The RLSB Section Chief is responsible for the general oversight and implementation of license renewal work planning activities, including development of the budget and resource model. The RLSB Section Chief will provide direction and assistance in the development and approval of evaluation plans to ensure effective allocation of resources, responsiveness, and quality of work. The RLSB Section Chief is the ISG Coordinator unless he designates someone else. The RLSB Section Chief assigns the ISG Lead PM.

The ISG Coordinator is responsible for the initial review of the proposed ISG. The ISG Coordinator is also responsible for the tracking of the proposed ISG through resolution and implementation.

The ISG Lead PM is responsible for clarifying the issue with the originator, drafting or revising the assigned proposed ISG, obtaining a TAC number, working with the cognizant staff to address the issue, resolving any comments received during the ISG

review process, processing the draft or revised ISG through the various levels of review both inside and outside RLSB.

Technical Branches

The technical branches review the technical aspects of the proposed ISG. Staff involved with the review should be familiar with the requirements of the rule, the Commission guidance provided in the statements of consideration that accompanied the rule (60 FR 22461 - 22495), the review guidance in the SRP-LR, GALL report, RG 1.188, and the industry-developed guidance in NEI 95-10.

The technical branches are responsible for identifying and notifying RLSB of process concerns to improve existing guidance for developing, reviewing, and inspecting license renewal programs and activities.

NRR Management

Division directors, branch chiefs, and the regions will assist in resolving issues and concerns relating to the ISG including the schedules, resource allocation, priorities, and technical issues.

Offices/Divisions/Branches

Other offices, divisions, and branches are responsible for reviewing and concurring in a timely manner consistent with the established schedule.

6.0 PERFORMANCE MEASURES

The ISG coordinator should provide a quarterly status update to the RLSB Branch Chief. The performance measures provide the following goals:

1. Provide a written response to the initiator on the resolution approach within 30 days of initial contact with RLSB.
2. Issue ninety-five percent of the proposed ISG comment letters within 180 days of initial contact with RLSB.
3. Issue ninety-five percent of the final ISG positions within 120 days of the end of the comment period provided in the comment letters.
4. Issue one-hundred percent of the final ISG positions within 2 years of the initial contact with RLSB.

7.0 PRIMARY CONTACT

David Solorio, NRR/DRIP/RLSB
(301) 415-1973
dls2@nrc.gov

8.0 RESPONSIBLE ORGANIZATION

NRR/DRIP/RLSB

9.0 EFFECTIVE DATE

10.0 REFERENCES

1. 10 CFR Part 54, "Requirement for Renewal of Operating Licenses for Nuclear Power Plants"
2. Regulatory Guide (RG) 1.188, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses"
3. NUREG - 1800, "Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants" (SRP-LR)
4. NUREG-1801, "Generic Aging Lessons Learned (GALL) Report,"
5. NEI 95-10, "Industry Guidelines for Implementing the Requirements of 10 CFR Part 54 - The License Renewal Rule"

Appendix A: Change History

This is a new instruction.

APPENDIX B

INTERIM STAFF GUIDANCE MEMORANDUM PROCESS FLOW CHART

