

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BRIEFING ON PROPOSED RULE ON LICENSE RENEWAL

- - - -

PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Wednesday, May 16, 1990

The Commission met in open session,
pursuant to notice, at 2:00 p.m., Kenneth M. Carr,
Chairman, presiding.

COMMISSIONERS PRESENT:

KENNETH M. CARR, Chairman of the Commission
THOMAS M. ROBERTS, Commissioner
KENNETH C. ROGERS, Commissioner
JAMES R. CURTISS, Commissioner
FORREST J. REMICK, Commissioner

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STAFF SEATED AT THE COMMISSION TABLE:

SAMUEL J. CHILK, Secretary

WILLIAM C. PARLER, General Counsel

JAMES TAYLOR, Executive Director for Operations

DR. THOMAS MURLEY, Director, NRR

DR. WARREN MINNERS, Director, Division of Safety Issue
Resolution, RES

CLEMENS HELTEMES, Deputy Director, RES

JAMES PARTLOW, Associate Director for Projects, NRR

WILLIAM TRAVERS, Assistant Director for Special
Projects, NRR

KARL KNIEL, Chief, RPSIB, RES

P-R-O-C-E-E-D-I-N-G-S

2:05 p.m.

CHAIRMAN CARR: Good afternoon, ladies and gentlemen.

The purpose of today's meeting is for the NRC staff to brief the Commission on the proposed rule on nuclear power plant license renewal. The Commission was last briefed on the subject of license renewal on January the 30th, 1990 and provided direction to the staff on a conceptual license renewal rule and schedule. Today, the staff plans to brief the Commission on the proposed rulemaking and describe how they have responded to Commission direction.

There will be no vote taken at this meeting. However, the staff has requested Commission approval of the proposed rulemaking package for a 90 day comment period and the Commission is expected to vote shortly following the meeting.

Copies of the slide presentation are available at the entrance to the meeting room.

Do any of my fellow Commissioners have any opening comments?

If not, Mr. Taylor, please proceed.

MR. TAYLOR: Good afternoon. With me at the table today are from the Office of Research, Jack

1 Heltemes, Warren Minners and Karl Kniel; and to my
2 left Tom Murley, Jim Partlow and Bill Travers from the
3 Office of NRR.

4 On May the 9th we submitted to the
5 Commission for publication approval this proposed rule
6 on license renewal. This rulemaking has been one of
7 the highest priority tasks within the staff in recent
8 months. We're continuing to meet the schedule which
9 we reviewed with the Commission in January.

10 The conceptual framework for this rule
11 which was discussed with the Commission in January has
12 been the subject of substantial further work by the
13 staff in making up this proposed rulemaking. The main
14 precepts of the conceptual approach are intact, but
15 there's been considerable aberration and change in
16 specific provisions and wording of the proposed rule.
17 It also reflects the guidance in the Commission's
18 staff requirements memorandum which you issued to us.

19 Further, the staff has analyzed and
20 considered in detail the public comments received at
21 and after the November 1989 workshop. The staff is
22 currently reviewing supporting technical documents
23 submitted by the industry. It is having initial
24 discussions with the two lead plants, Yankee-Rowe and
25 Monticello. We have also had the benefit of review by

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1 the ACRS.

2 This overall rulemaking effort has
3 continued to be led by the Office of Research,
4 although it has been very much a cross -- an
5 interoffice cooperative effort with extensive
6 participation by Office of General Counsel and the NRR
7 and I appreciate all who have worked on it.

8 With those words of introduction, I'll now
9 ask Mr. Heltemes to continue.

10 MR. HELTEMES: Thank you, Chairman.

11 As EDO mentioned, this proposed rule
12 reflects a number of important inputs, the guidance
13 and comments from the Commission, technical and
14 procedural suggestions from the public workshop in
15 November, extensive input and assistance from NRR and
16 OGC, reviews by the ACRS and CRGR, and insights gained
17 from the research aging program.

18 The rule was founded on two basic
19 principles, that the plant-specific licensing base is
20 retained at renewal and carried forward without change
21 and that this licensing base, that is the current
22 level of plant safety, is to be maintained for the
23 renewal term.

24 Our presentation today will focus on the
25 changes since the conceptual rule discussed with the

1 Commission in January and will cover in detail the
2 principal issues that have been identified to date.
3 In particular, it will cover the identification of the
4 current licensing base, the structure of systems and
5 components subject to plant aging, the screening
6 process used to identify the value weight and account
7 or address aging mechanisms. And I also would point
8 out in the rulemaking package there is an overall
9 schedule that identifies the individual end items
10 associated with this rulemaking, when they will be
11 available for review, when they're expected to be
12 approved or issued in final form.

13 For example, work continues on the generic
14 environmental document. As the Chairman mentioned,
15 our schedule calls for a 90 day public comment period
16 on this proposed rule and for publication of a finer
17 rule in May 1991.

18 With that, let me turn over the briefing
19 to Warren Minners.

20 DOCTOR MINNERS: Thank you, Jack.

21 (Slide) On the first slide is an outline
22 of the presentation. I would like to discuss the two
23 principles that Jack mentioned to bring out some
24 points, some other key provisions of the rule. Then,
25 starting with slide 11, have some comments on other

1 issues. Finally we'll talk about some questions that
2 are outstanding that are presented at the end of the
3 statement of considerations. And at the very end
4 discuss resources in schedule.

5 (Slide) On the second slide, we keep
6 repeating this, but these are important principles.
7 As Jack said, the current licensing basis is
8 considered to be adequate now except -- adequate now
9 for plants and except for aging is considered to be
10 adequate in the renewal term and will be carried
11 forward. So, we have no intention or are not going to
12 be required to make any new findings on the adequacy
13 of the current licensing basis and we hope to exclude
14 the adequacy of the current licensing basis from the
15 scope of the proceedings on any license renewal.

16 The second principle is the aged
17 degradation and that's the focus of the license
18 renewal effort. That's our concern. We have tried to
19 focus that onto the system structures and components
20 that are important to license renewal and the actions
21 required to control aging is going to be the basis for
22 our finding in issuing a license to any plant that
23 requests renewal. And the proceedings in a renewal
24 action will be limited to the age related issues.

25 (Slide) On the third slide, we have to

1 have a current licensing basis because all of the
2 plants are different and it's plant specific and
3 that's the only way to capture all of the requirements
4 that are laid on a plant. But in addition to
5 requirements such as rules, orders and license
6 conditions, the licensee has made usually many
7 commitments in response to bulletins, generic letters,
8 enforcement actions. These things have formed part of
9 the licensing basis.

10 In order to limit that set, we have
11 limited to those commitments that are on the docket,
12 so they're documented and they're there for
13 everybody to see. We have further limited it to those
14 commitments which are in effect at the time of the
15 application because some of the bulletins are one time
16 things or when we have a short period of operation,
17 then they're no longer applicable. Although
18 originally the FSAR really contained the licensing
19 basis of a plant, there have been many subsequent
20 modifications to that which are contained on the
21 docket and that forms the licensing basis.

22 COMMISSIONER CURTISS: Warren, what degree
23 of confidence do we have that the requirements that
24 have been imposed and the commitments that the
25 licensee has entered into are actually contained on

1 the docket? We'll get into the question of the SEP
2 issues later on, but take that or USIs and GSIs, for
3 example, where we've had some recent discussion of
4 just where the commitment is reflected and what the
5 licensees are required to do. Is there a high degree
6 of confidence that those commitments and requirements
7 that are important for this initiative will actually
8 be captured by reference to those contained on the
9 docket?

10 DOCTOR MINNERS: Well, let me play a
11 lawyer a little bit here and Bill can correct me. I
12 guess as far as requirements go, rules, orders and
13 license conditions, I think that's fairly obvious. I
14 guess what you're talking about is commitments.

15 COMMISSIONER CURTISS: Commitments, right.

16 DOCTOR MINNERS: And I think NRR is now
17 going through an exercise to assure that the USIs and
18 generic issues have been or are being implemented.
19 And then there's a bulletin tracking system to see
20 that people have complied with bulletins. So, I think
21 there's a high confidence or will be a high confidence
22 that the licensing basis is on the docket.

23 COMMISSIONER CURTISS: Okay.

24 CHAIRMAN CARR: Let me -- go ahead.

25 COMMISSIONER REMICK: It indicates that

1 the current licensing basis will be NRC requirements
2 and licensing commitments on docket in effect at time
3 of application. How do you handle those things that
4 might come into effect between the time of application
5 and the time of issuance which could be sometime to a
6 year or so? How are those picked up?

7 DOCTOR MINNERS: I would say it's like an
8 OL. I think we have the same problem. We now don't
9 require people to -- or standard plants to address the
10 USIs and GIs after a certain time. We have a cutoff
11 date and you'll have to handle them on a plant-
12 specific basis if you want those people to change
13 their licensing basis after they've made an
14 application.

15 COMMISSIONER REMICK: But it's possible
16 somebody could make a commitment in that intervening
17 time. Would that be automatically picked up then?

18 DOCTOR MINNERS: Well, there will be new
19 requirements or there could be new requirements and
20 commitments after the application --

21 COMMISSIONER REMICK: Right.

22 DOCTOR MINNERS: -- and after the renewal
23 and we have a process for applying them. If the
24 licensee commits to it, I guess it would be part of
25 the licensing basis, whenever he commits to it, at

1 that time become part of the licensing basis.

2 COMMISSIONER REMICK: The thing that
3 puzzled me was the fact that we're talking about the
4 current licensing basis would be that that existed at
5 the time of application and why not at the time of
6 renewal license issuance? I think the intent was to
7 give some certainty to the applicants who come in.
8 They have to make economic decisions and I guess they
9 would like to know what they're applying for.

10 MR. PARTLOW: Commissioner, I believe one
11 of the reasons that we felt that they're compiling
12 this list of commitments is important is not for all
13 of the commitments but to ensure that they've looked
14 at those that have to do with their renewal process.
15 Are they sure they have down all the commitments that
16 have to do with the aging of systems and components
17 and so forth? So, we want them to have that as the
18 basis for their application. So I think that's why
19 it's tied to the application daily.

20 COMMISSIONER REMICK: I have no problem
21 with that and maybe it's a trivial point, but it seems
22 to me that at the time that renewal license was
23 issued, we'd want the current licensing basis to be
24 what it was at that moment and then people would have
25 to keep it up. The way it's stated, it's now at the

1 time of application and it seems to me that we should
2 say something like, "At the time of application plus
3 anything introduced or accepted or committed in the
4 intervening time," or something like that. It just
5 seems to me there's a period of time that might be
6 lost there.

7 COMMISSIONER CURTISS: Let me follow up on
8 that. Is it necessary to fix the time for the CLB in
9 order for the applicant to present and apply its
10 screening methodology? Is that the reason it's set in
11 time, that the screening methodology has to identify
12 those SSCs up front?

13 DOCTOR MINNERS: Yes.

14 COMMISSIONER CURTISS: That are then
15 subsequently going to be evaluated? It seems to me
16 it's important to do it for that reason, but at the
17 same time I wonder if it doesn't create a disincentive
18 for those licensees that just prior to application may
19 be negotiating with the staff over possible
20 commitments with an idea that if we put it off past
21 the application, it's not part of the CLB and hence
22 part of this proceeding.

23 As I understood it, the reason for fixing
24 it at that point was that it was necessary to get
25 going on the screening methodology.

1 COMMISSIONER REMICK: And I can see that
2 there might be a current licensing basis deadline for
3 application purposes. It seems to me that for current
4 licensing basis at the time of the issuance of renewal
5 license, it should be what it is at that particular
6 moment in time.

7 MR. PARTLOW: It will be.

8 COMMISSIONER REMICK: That's somehow
9 captured in the words?

10 MR. TRAVERS: In fact, the current
11 licensing basis continues to evolve through the time
12 that the application is submitted well into the
13 renewal period for whatever period of time that the
14 license is valid. So, the clear intent is to --

15 COMMISSIONER REMICK: Okay. Okay. I
16 realize it's going to be after the issuance. It's
17 that integral time between application that it seemed
18 to be not covered, but maybe it is. Okay.

19 CHAIRMAN CARR: Let me ask a more basic
20 question, I think. The current licensing basis
21 includes a lot of issues not formally imposed on the
22 licensee in terms of an enforceable document such as
23 commitments on the licensing docket. Why is it
24 necessary to continue informal commitments never made
25 part of the original license or given legal

1 significance during the renewal term?

2 DOCTOR MINNERS: Well, my understanding of
3 it is that the commitments are enforceable. My
4 understanding is that we have enforced commitments.
5 We have -- that's the way we have done business,
6 largely with our so-called informal guidance like reg.
7 guides and generic letters and other things and that's
8 the way our regulatory process has gone for years and
9 has seemed to work very well. That's why we've done
10 it. Bill could comment on whether commitments are
11 enforceable.

12 DOCTOR MURLEY: If I could comment, even
13 though we may not have formally made a rule or an
14 order, once a licensee commits to something and
15 changes their FSAR, then it becomes -- my
16 understanding is it becomes enforceable. So, it
17 is --

18 CHAIRMAN CARR: Oh, if the FSAR's changed,
19 I'm not arguing with that point, but I get the
20 impression there are a lot of commitments out there
21 that haven't been whipped into the FSAR.

22 DOCTOR MINNERS: They might not go down to
23 that detail.

24 MR. PARTLOW: That's correct.

25 DOCTOR MURLEY: Generally, I would say my

1 understanding is that once he makes a commitment, we
2 have mechanisms in place to ensure that they are
3 enforceable commitments.

4 CHAIRMAN CARR: So you'd be willing to
5 change this to just what's in the FSAR then?

6 MR. TAYLOR: No.

7 CHAIRMAN CARR: That's what I thought you
8 said.

9 DOCTOR MURLEY: What's enforceable? There
10 are other documents, and I have to think for a minute
11 what they are, but there are other documents besides
12 the FSAR which --

13 CHAIRMAN CARR: Which are enforceable?

14 MR. TAYLOR: Yes, and they are formal and
15 they are in the docket.

16 MR. HELTEMES: Many of our documents are
17 not requirements in the sense of a bulletin. They're
18 not required to implement the requested action. But
19 when the licensee commits to a certain action, comes
20 back, he makes a commitment, they are incorporated
21 into the licensing docket and we do inspect against
22 those commitments and I believe take enforcement
23 action.

24 CHAIRMAN CARR: So that legal grounds
25 there? Counselor?

1 MR. PARLER: It seems to me it's a
2 situation that would have to be examined on a case by
3 case basis. Obviously, regulations are enforceable,
4 orders are enforceable, things in the FSAR are
5 enforceable. But if you just have something that is a
6 commitment, it might even be unilateral. It might be
7 highly informal. So, it's certainly questionable
8 whether things like that could be enforceable.

9 On the other hand, if there's been a
10 formal exchange of correspondence, if the
11 understanding of the licensee and the regulatory
12 agency are clear in that exchange and there is no
13 doubt that something is going to be done according to
14 a certain schedule, and that is reflected in the
15 licensing file, the licensing document, I would think
16 that that would be an enforceable situation. If it's
17 violated and civil penalties could be imposed against
18 it is another legal question which we need not get
19 into at this time.

20 MR. TAYLOR: It really is the last part.
21 That is, it is in the docket and it is a commitment
22 and it is --

23 COMMISSIONER CURTISS: Take a tougher
24 example. The generic letters that we've sent out over
25 the years in many cases contain language at the very

1 end that says, "This isn't intended to impose any
2 requirement on you." I take it the distinction here
3 between identifying the requirements versus the
4 commitments is to in part capture whatever commitments
5 a licensee might make in a generic letter that by its
6 very terms and within the four corners of the generic
7 letter says this isn't intended to impose any
8 requirements.

9 I guess I have sort of a narrow
10 observation. One, we need to make sure that if that's
11 the kind of thing we intend to pick up here in trying
12 to drag the river on all the requirements that we want
13 to impose, that we have a legal basis for doing that,
14 having said in the document itself that this doesn't
15 impose any requirements. And two, if it has that
16 affect, it seems to me that it puts to bed the notion
17 that we're not imposing requirements through generic
18 letters because we certainly are and we intend to
19 capture those here.

20 MR. PARLER: Let me make one other point
21 that also relates to your earlier question, Mr.
22 Chairman.

23 The status of these various things as
24 requirements, whatever their status has been in the
25 past, that would not be changed by this document.

1 CHAIRMAN CARR: Be continued into the
2 future.

3 MR. PARLER: Right, right.

4 CHAIRMAN CARR: All right. Let's proceed.

5 DOCTOR MINNERS: So, the current
6 licensing -- so the adequacy of the current licensing
7 basis as defined is something which is to be excluded
8 from individual relicensing considerations. So, in
9 order to do that, we have tried to make the case
10 generically in the statement of considerations for the
11 adequacy of the current licensing basis. There's also
12 a supplement of separate enclosure 2 to the Commission
13 paper which goes into more detail on the adequacy of
14 the basis and I'll discuss that a little later.

15 (Slide) In the fourth slide, as we said,
16 the licensing basis is defined in the rule and also
17 the licensing basis is required to be compiled by the
18 licensee. The Commission asked us to see -- to
19 discuss the reasons why, if any, the licensees or
20 applicants should be required to submit it. And we
21 thought about it and decided that since the adequacy
22 of the current licensing basis is not subject to the
23 hearing, there was no need to have it submitted as
24 part of the application. But since the basis was
25 needed for the screening process, that it should be

1 readily available for audit and inspection by
2 inspectors. And "readily available" has the usual
3 term is that the inspector should not have to travel a
4 long distance to get it from the corporate offices.
5 It should be certainly within the site somewhere.

6 COMMISSIONER ROGERS: I still don't quite
7 understand why you don't want to require a complete
8 listing of the documents. Not documents, a listing of
9 the documents in the CLB. I just fail to --

10 DOCTOR MINNERS: To be submitted?

11 COMMISSIONER ROGERS: Yes. Just a list of
12 the documents. I'm not saying the documents. You
13 don't need a truck to drive up to the door, but why
14 are you so --

15 DOCTOR MINNERS: Well, we think it's
16 adequate if the listing and the compilation is
17 available for inspectors at the plant and we discussed
18 it and I think that's the conclusion we came to.

19 COMMISSIONER ROGERS: But when this whole
20 business gets reviewed, it's not going to just be
21 reviewed at the plant by inspectors, it will be
22 reviewed in some other way as well, will it not? When
23 you make a decision to make a recommendation, there
24 will be a lot of people looking at this and if any
25 questions come up about any aspect of what's in that

1 CLB, why don't you have a handy list of the documents
2 that are included?

3 DOCTOR MINNERS: Well, you could have
4 that, but I think without the actual licensing basis
5 itself, it has limited usefulness.

6 CHAIRMAN CARR: Well, my understanding is
7 the licensing basis is not going to be part of the
8 problem. What you're looking at are those systems
9 that are subject to aging and that's the list you
10 really want.

11 DOCTOR MURLEY: Commissioner, there is a
12 logical reason. We are not intending to review the
13 current licensing basis.

14 COMMISSIONER ROGERS: No, I understand.

15 DOCTOR MURLEY: We want to make sure,
16 however, that the licensee does so that he picks up
17 any potential part of that licensing basis that could
18 be impacted by aging factors. So, it's important that
19 he have it and have it documented at his offices, but
20 we don't need to -- other than to assure ourselves
21 that he's looked at it, we don't need to review it
22 ourselves.

23 CHAIRMAN CARR: It seems to me if the
24 screening methodology is going to be broad enough to
25 address all the systems, structures and components

1 subject to age degradation, then we really don't need
2 the licensing basis. It's not critical that that
3 thing is there at all. If we're really going to have
4 a broad enough look at those systems that are going to
5 get subject to aging, why is it critical that the
6 licensing basis be reviewed?

7 DOCTOR MURLEY: Well, particularly for
8 some of these older plants where in -- now, the first
9 plant was licensed in 1960. The procedures in those
10 days were not as rigorous and the records perhaps were
11 not as complete as they are today and the
12 requirements. So, we thought it was important for the
13 licensees to go back and check all those commitments
14 and have them to make sure that they do pick up
15 commitments they've made that may not be obvious in
16 some FSAR document or something like that.

17 CHAIRMAN CARR: I guess I'm having trouble
18 trying to tie that into what's growing old in the
19 plant, except the commitment.

20 DOCTOR MURLEY: There may be a safety
21 issue, let's say. All I've got is a hypothetical
22 example. Under certain circumstances of operation, a
23 safety system may not function at full capacity. So
24 maybe there's a letter that's maybe 30 years old that
25 says, "Well, we won't operate in that particular mode,

1 so it's not a problem." Well, it may not have gotten
2 captured in an FSAR update because that's a
3 relatively -- you know, on a 30 year time scale,
4 that's a relatively recent system that we've had.

5 Nonetheless, we want to make sure that the
6 licensees for these older plants in particular go back
7 and check their records to pick up those kinds of
8 commitments to make sure that they've got them and
9 refreshed their memories and are on file.

10 CHAIRMAN CARR: So that's kind of separate
11 from plant aging or components that you're worried
12 about --

13 DOCTOR MURLEY: We think it's necessary to
14 do that, to make sure that they don't miss some aspect
15 that could be affected by aging.

16 CHAIRMAN CARR: Sounds to me like that's a
17 today problem rather than a future aging problem.

18 DOCTOR MURLEY: To some extent -- well,
19 it's not a today problem, but --

20 MR. PARTLOW: I guess really what we're
21 saying, what we want from this plant for the next 20
22 years is a list of commitments on how they're going to
23 monitor the aging of that plant. Some of those
24 commitments, they've already made in the past and may
25 or may not continue to be good for the next 20 years.

1 But that's one set of commitments and they need to go
2 back and look at this licensing basis to determine
3 what those are because that's sort of the jumping off
4 point from which they're going to make a new set of
5 commitments to look at the aging of components that
6 didn't get committed before.

7 COMMISSIONER ROGERS: It's not just the
8 aging, though the aging is a very big part of it.
9 It's also maintaining the current base, whatever that
10 is. And that could erode by aging, it could erode by
11 not aging, just turning something off and forgetting
12 to turn it back on again.

13 CHAIRMAN CARR: But we've agreed to only
14 look at those things that are affected by aging
15 in this license renewal.

16 COMMISSIONER ROGERS: No, no. We're
17 saying that they're going to continue the current
18 licensing basis, whatever that is.

19 CHAIRMAN CARR: But they're doing that
20 today.

21 COMMISSIONER ROGERS: Sure.

22 MR. HELTEMES: Mr. Chairman, if I may, one
23 of the reasons why the staff put as the first step of
24 the screening process the compilation of the current
25 licensing base is that it constitutes the acceptance

1 criteria when the licensee has to make a determination
2 whether he has effective programs to control and to
3 monitor plant aging. When he goes through each of the
4 structures, systems and components, in terms of the
5 commitments in his license, his licensing commitments,
6 he has to make a determination whether that program is
7 effective. The term "effective" in this context means
8 that he can fulfill the commitments of his license.
9 And if he can, then it's effective. If he cannot,
10 then he has to institute and identify a specific
11 program to cover that criteria. Such things are
12 margins, for example.

13 CHAIRMAN CARR: The maintenance rule. I
14 understand that.

15 Go ahead.

16 DOCTOR MINNERS: The Commission also asked
17 us to provide an alternate means of ensuring the
18 current licensing basis is enforceable. I believe the
19 mechanism by which we have done that is to incorporate
20 the licensing basis into and consider it to be part of
21 the licensing docket, so that it has an official,
22 enforceable status. We expect to look at how this all
23 works on the lead plants and possibly some revision to
24 the rule of reg. guides might result from our
25 experience there.

1 COMMISSIONER CURTISS: Let me go back to
2 my earlier question here. If the CLB consists of
3 those requirements and commitments that have been
4 imposed or agreed to by the licensee at the time that
5 the plant was licensed or subsequently, and if you
6 have a high degree of confidence that those
7 commitments and requirements are included in the
8 docket, that is to say we're going to look to the
9 docket as the source of those requirements and
10 commitments, I guess I'm confused here when you say
11 there's a need then to incorporate those requirements
12 and commitments into and deem them part of the
13 licensing docket. Isn't that done already?

14 DOCTOR MINNERS: I think we're just
15 reinforcing that statement.

16 MR. TAYLOR: It's the docket for the
17 renewed license.

18 MR. HELTEMES: The docket for the current
19 license would continue and constitute the docket for
20 the renewed license. The renewed license is indeed a
21 new license.

22 COMMISSIONER CURTISS: I understand.

23 MR. HELTEMES: And so these words are to
24 incorporate the previous docket into the new license
25 in the legal sense.

1 COMMISSIONER CURTISS: But the old docket
2 carries over.

3 MR. HELTEMES: Yes, that's what these
4 words are intended to say, the old docket carries
5 over.

6 CHAIRMAN CARR: Your intent is to continue
7 the existing license terms --

8 MR. HELTEMES: Yes, sir, without change.

9 CHAIRMAN CARR: -- as part of the renewed
10 license?

11 MR. HELTEMES: Yes, sir.

12 MR. TAYLOR: Unless they are modified.

13 COMMISSIONER CURTISS: Okay. I
14 understand.

15 DOCTOR MINNERS: Okay. So by doing all
16 this, what we intend to do is to not have to go back
17 and make the reasonable assurance finding that we made
18 at the OL for each license. In other words, we're
19 going to do it generically in the statement of
20 consideration.

21 In order to bolster our contention that
22 the current licensing basis is adequate, the statement
23 of consideration discusses the process by which the
24 licensing basis is modified over the years to assure
25 that it maintains its adequacy. A large part of that

1 process is our resolution and implementation to the
2 USIs, generic safety issues, the systematic evaluation
3 program. And I'd also note that when the IPEs are
4 done, that's also another way of, if the licensee
5 commits to changes, of modifying the licensing basis.

6 What is not required is a finding that the
7 licensee complies with his licensing basis at the time
8 of application. That's a continuing function. We and
9 the licensees have programs to assure the licensees
10 are always in compliance with their licensing basis.
11 So that's not an additional finding that's going to be
12 made.

13 The supplement to the statement of
14 consideration which is called the foundation for
15 adequacy of the current licensing basis, which was
16 primarily written by NRR and follows in format the
17 standard review plan, the different technical areas,
18 describes for each technical area in more specific
19 terms how that technical area evolved over the years
20 and what processes occurred to ensure and will ensure
21 that the adequacy of a licensing basis would be
22 maintained and it gives some specific examples.

23 Therefore, it gives a more comprehensive
24 technical support for the generic finding that the
25 licensing basis is adequate and that the reasonable

1 assurance findings made during at the OL will continue
2 to be true.

3 The one point that I'd like to bring up
4 here because it's a question that we ask at the end of
5 the statement of consideration is site changes which
6 are not required to be reported in the same manner
7 that plant changes are. We have in the past and are
8 intending to continue in the future to rely on our
9 inspection process to pick up changes in off-site
10 hazards, industrial plants, airports, population
11 changes and things like that.

12 (Slide) The second principle, on slide
13 7 --

14 COMMISSIONER CURTISS: Warren, before you
15 go on, is there any significance to this being a
16 supplement to the statement of considerations rather
17 than a part of the statement itself?

18 DOCTOR MINNERS: I think it was made a
19 supplement because it's so thick. We didn't want to
20 put it in the *Federal Register*.

21 COMMISSIONER CURTISS: But it would be
22 considered a part of the rule and the rulemaking
23 record for purposes of --

24 DOCTOR MINNERS: Yes, it's reference and
25 will be available for people to see. We're really

1 considering making it a NUREG report so it would be
2 easily distributed.

3 The second principle, on slide 7, is age
4 degradation. Once again what we're trying to do is
5 only look at age degradation of those systems that are
6 important to license renewal, which are the usual
7 safety-related systems that are involved in design
8 basis events. To that we have added the system
9 structures and components that are required for non-
10 design basis events such as ATWS, station blackout.
11 And I think also to be sure that we cover ourselves,
12 that rad waste systems are either under the first one
13 or the second one, depending on how you want to read
14 it.

15 Then, an additional set of components are
16 those whose failure could prevent the safety functions
17 of the first two sets and the fourth category is the
18 post accident monitoring equipment that was required
19 following TMI, which is identified in 50.49 and in
20 more detail in Reg. Guide 1.97.

21 Now, we have excluded some time related
22 changes from age degradation management. These are
23 emergency planning, plant physical security, operator
24 licensing and financial qualifications. Our basis for
25 excluding these from systematic review at the time of

1 application is because we think the current processes
2 are ongoing and the aging changes or the time related
3 changing in these areas are adequately taken care of
4 and don't have to be addressed by the applicant.

5 (Slide) So, on slide 8, the rule defines
6 aging mechanisms and age related degradation and again
7 the current licensing basis. The important thing that
8 the rule specifies is an integrated plant assessment.
9 In response to the Commission's SRM, we tried to be as
10 specific as we could in this integrated plant
11 assessment and the screening process. It's a four
12 step screening process. What the applicant is
13 required to do is describe the method. We have not
14 been so specific as to limit the applicant. There is
15 a great deal of flexibility and therefore applicants
16 are going to have to describe their method of exactly
17 how they're going to do it. Then they are required,
18 of course, to list the results of each screening step.

19 Important to this also is credit for
20 established effective programs. The utilities, we
21 believe, have -- most of their components are well
22 managed and we're going to give credit for those
23 programs.

24 I would like to point out here that in
25 order to -- as Jack said, in order to determine

1 whether the programs are effective, you have to know
2 what the current licensing basis is of the component
3 that you're looking at. If you have something which
4 has a licensing basis with a minimum wall thickness
5 and you have a program for erosion and corrosion, you
6 have to know what the thickness is now and what the
7 thickness minimum could be and demonstrate that during
8 the life of the plant or the inspection integral,
9 whichever is applicable, that you can meet the minimum
10 wall thickness. So you have to know what the current
11 licensing basis is to be able to demonstrate you have
12 an effective program.

13 And also, the last bullet here is if you
14 don't have an effective program, then you have to
15 propose one and it will be imposed on you as a
16 licensing condition as appropriate to address any age
17 related degradation.

18 Once again, for these additional programs,
19 you have to know what the current licensing basis is
20 to be able to develop the program. So, the current
21 licensing basis is a very important thing to know.

22 COMMISSIONER REMICK: Warren, since you
23 mentioned definitions, just an editorial comment. I
24 assume from the changes you made in the proposed rule
25 that you prefer to use the term "renewal term" rather

1 than "renewal period" and that SSC stands for systems,
2 structures and components rather than structures,
3 systems and components. But in the rule itself, there
4 still are some inconsistencies. I just throw it out.
5 I assume for the changes you've made that you are
6 trying to be consistent, but there are still some
7 inconsistencies.

8 COMMISSIONER ROBERTS: I'm on page 24 of
9 the proposed rule. I'm reading from the first
10 sentence of the first full paragraph. "The only
11 situation which a plant's current licensing basis may
12 be changed in a license renewal proceeding is when the
13 licensee asserts that it is impossible or fairly
14 impractical for it to comply with its current
15 licensing basis due to age related degradation."
16 Could you explain that?

17 CHAIRMAN CARR: That's in the statement of
18 consideration.

19 COMMISSIONER ROBERTS: All right. I beg
20 your pardon, in the statement of considerations.

21 DOCTOR MINNERS: Yes. We're saying there
22 that we're not going to propose changes to the
23 licensing basis as part of the license renewal
24 proceedings, but an applicant may have to do that.
25 I'll go back to my overused corrosion example. When

1 he first came in for his OL, he may have proposed a
2 corrosion allowance of a half an inch. Okay? And we
3 looked at it and said, "It's acceptable," which does
4 not mean that that's the minimum you need and he may
5 have looked at it and said, "Hey, all you need is a
6 tenth of an inch, but the guy is offering a half an
7 inch. Fine. Okay by us," away we go.

8 Now, as he goes through 40 years of life
9 or 20 years of life, he may have eroded quite a bit of
10 that away and he no longer has a half-inch corrosion
11 allowance left. So, he now has to sharpen his pencil
12 and come back closer to the tenth of an inch which is
13 probably all that people really wanted in the first
14 place. So, he may have to, at the time of
15 application, change his licensing basis to be able to
16 demonstrate that the licensing basis, whatever it is,
17 can be maintained throughout the renewal period.

18 So, he puts some margin into his original
19 OL which may no longer be available to him and he's
20 going to have to run close to his minimums in the
21 renewal term in some cases.

22 CHAIRMAN CARR: But he's not meeting his
23 current licensing basis anyway.

24 COMMISSIONER ROBERTS: I was going to say
25 suppose there were no license renewal proceedings.

1 Wouldn't he be doing that anyway?

2 DOCTOR MINNERS: Oh, he's meeting his
3 licensing basis because he said at the beginning, "I'm
4 going to give you a half inch," which gives you
5 assurance that at the end of 40 years I'll be above
6 the minimum. Okay? Now he's going to start out for
7 another 20 or 40 year period. Okay? He doesn't have
8 a half inch. How does he make a demonstration that
9 he's going to have the minimum by the time he comes to
10 the end of the next operating period. He can't do
11 that the same way he did it the first time because he
12 doesn't have that much left. He's used up some of his
13 half-inch. So he's going to have to go down and do
14 some analysis and say, "Look, I've got better test
15 data and I know this and I know that and I only need a
16 quarter of an inch or a tenth of an inch or whatever
17 it is."

18 MR. HELTEMES: If I may add a little bit
19 to the response, the principle, of course, of the
20 license renewal rulemaking is to address only age
21 degradation effects and that's one of the reasons this
22 sentence is here, is to say that we do not intend to
23 address any part of the current licensing base other
24 than age related effects and that the renewal
25 proceeding is not a place to start addressing current

1 licensing basis or changes to them other than where it
2 becomes impossible or very difficult to meet the
3 current basis because then it has to be incorporated
4 because it's part of age degradation.

5 To go on just a moment, if there are some
6 changes to the current licensing base that are not age
7 related in the proper time, quite frankly, to address
8 those would be outside the renewal application, before
9 or after.

10 COMMISSIONER ROBERTS: All right.

11 CHAIRMAN CARR: Okay. Let's proceed.

12 COMMISSIONER REMICK: Excuse me, Mr.
13 Chairman.

14 CHAIRMAN CARR: Sure.

15 COMMISSIONER REMICK: I had a question I
16 was going to ask later, but because of something you
17 said, Warren, it seems that I should ask it now
18 because you talked about a licensee meeting his
19 licensing basis. What's the difference between
20 licensing basis and design basis?

21 DOCTOR MINNERS: It could be the same, it
22 could be quite different. I mean, he may have a
23 design basis for his equipment and, as I say, he may
24 have come in with something with more margin in it.
25 And he said, hey, I've -- in fact, in the GE plants,

1 their design basis for relief valve capacity would
2 provide more release valve capacity than the licensing
3 basis is. And they want that extra margin so that
4 they know they never get below the licensing basis and
5 have to restrict plant operation.

6 So a lot of vendors will put more meat
7 into their design than the licensing basis, so they're
8 sure they don't bump up against the licensing basis.

9 COMMISSIONER REMICK: I guess I thought
10 what you were going to answer and I thought was the
11 different design basis is basically what you
12 redesigned it for, and that's where that quarter of an
13 inch you were referring to. I thought you were going
14 to come back and say whether he meets his design basis
15 without licensing basis. We're talking about the
16 design basis plus any commitments, orders, all those
17 things beyond that. That was my -- what I thought.
18 But when you used licensing basis in where I thought
19 you'd say design basis, I'm not clear, or unsure that
20 that definition's correct.

21 MR. PARTLOW: The design basis is a lot
22 bigger, a lot more of information like level of
23 detail.

24 The licensing basis is that portion of
25 that whole design basis that has been committed to.

1 That's one way of looking at it.

2 COMMISSIONER REMICK: I guess I would have
3 thought the other way around. I would have thought
4 the licensing basis incorporated the design basis plus
5 commitments, orders, other things that we've added.

6 CHAIRMAN CARR: What his answer said was
7 the licensing basis is a requirement, and the design
8 basis has got margin in it.

9 That's what you said.

10 MR. PARTLOW: That's right.

11 COMMISSIONER REMICK: Could be, yes.

12 COMMISSIONER ROGERS: Well, I'll bite. He
13 said that. He also said that licensing basis and
14 design basis could be the same. And so I'm a little
15 puzzled there with your margin question.

16 DOCTOR MINNERS: If you have a design
17 basis accident --

18 MR. TAYLOR: I think we need to get back
19 to you on that, because during the current license the
20 license covers the design, and then there are things
21 that come up where it is within our requirements for
22 him to make design changes. And they, then, become
23 part of the design. That's what we've got --

24 COMMISSIONER ROGERS: What I'm a little
25 puzzled about is just the example. I mean, I don't

1 want to pursue it too far, but it seemed to me that
2 what you were saying is that our requirement -- you
3 were saying, well, suppose our requirement is a tenth
4 of an inch when it was designed for a half inch and
5 over the course of time there's an erosion down to
6 something less than a half inch, but they still could
7 demonstrate that within the renewal period they still
8 wouldn't come below the tenth inch.

9 Well, that all sounds fine. But now
10 what's the tenth of an inch? If it was designed for a
11 half inch and built to a half inch, our requirement is
12 the tenth inch, where is that? Is that in the
13 licensing basis or in the design basis? I mean, in
14 what you're talking about here. It doesn't seem to me
15 that it's in either one of them.

16 CHAIRMAN CARR: Sounds like it'll be in
17 the plant life extension license.

18 DOCTOR MINNERS: It might not be in either
19 one, because the licensee might not tell us what the
20 design basis was. He might just come in with a
21 licensing basis of a half an inch and our guys look at
22 it and say, "Hey, that's acceptable. Okay, we accept
23 it."

24 CHAIRMAN CARR: I would suggest if they're
25 not interchangeable we ought to define them and be

1 very careful how we use them.

2 COMMISSIONER ROGERS: I think so. I think
3 it's a point here.

4 MR. TAYLOR: I think there's a point here.
5 That's why I'd like to come back to you with a better
6 separation of those definitions, because --

7 COMMISSIONER ROGERS: If we just accept
8 the licensing basis as the design basis and the design
9 basis has the margin in it, then that licensing basis
10 is what they're going to have to continue, not
11 something else.

12 DOCTOR MINNERS: That's correct. That's
13 correct.

14 COMMISSIONER ROGERS: So I think we have
15 to be very clear on this.

16 MR. HELTEMES: We intend that the
17 licensing basis, with all of its margins, be
18 continued.

19 MR. TAYLOR: We'll come back.

20 CHAIRMAN CARR: Okay. Let's proceed.

21 DOCTOR MINNERS: Okay. We got through
22 slide 8, I think.

23 (Slide) Let's go on to slide 9, which
24 lists the screening steps. And I'd rather have you
25 look at slide 9A, which is in a flow diagram logic

1 form, which is I think easier to explain but harder to
2 put on a screen.

3 At the top of 9A are the four different
4 types of systems, structures, and components that are
5 important to license renewal. And these can either be
6 determined by compiling your licensing basis, and then
7 you'll have all of these items, or you can just take
8 everything in the plant and dump it into those hoppers
9 and screen everything and then you'll be sure that you
10 have everything in the current licensing basis,
11 whichever way licensees wish to do it.

12 The first screening is to go through and
13 see whether the item performs a safety function or its
14 failure could affect the safety function of another
15 item. And if it has no effect on safety, obviously no
16 further action is required. If it does have an
17 effect, then it goes through the next screen to see
18 whether there's an established effective program for
19 controlling the aging degradation of this item. And
20 as I mentioned before and Jack talked about is this
21 is, again, where the current licensing basis comes in,
22 because you have to know what the licensing basis is
23 to be able to determine whether the program is an
24 effective program.

25 If there is such a program, no further

1 action. If not, then you go down and see the next
2 screen of whether the degradation would be
3 significant. And once again, it's compared to the
4 current licensing basis, and you have to know the
5 licensing basis to be able to determine whether the
6 degradation is significant or insignificant. If it's
7 not significant, no further action. And if it is
8 significant and you don't have a program for it, then
9 you have to describe and provide the basis for action
10 to manage age-related degradation, and once again you
11 have to use the licensing basis here to know what kind
12 of a program you have to have to be sure that you
13 don't violate the licensing basis.

14 So I guess the point I'm trying to make is
15 that throughout the screening process from front to
16 bottom the licensing basis is an integral part of it.

17 CHAIRMAN CARR: Looks like you've got two-
18 thirds of the maintenance rule right here.

19 DOCTOR MINNERS: Glad you said that and
20 not me.

21 COMMISSIONER REMICK: I couldn't help but
22 be pleased with that chart. I thought it was very
23 helpful in understanding what would take a lot of
24 words to say. I wish all of our regulations kind of
25 followed that process, and Jim reminded me of the job

1 being done at the Center of Nuclear Waste Regulatory
2 Analysis on Part 60 and thought maybe this was a part
3 of that for Part 54. It's a start for it. I thought
4 it was very helpful.

5 DOCTOR MINNERS: (Slide) Well, on slide
6 10 -- so, the rule has been constructed to be directed
7 towards the required NRC finding, which is to be
8 limited to age-related degradation, and it's only
9 addressing those systems, structures, and components
10 important to license renewal as we define them. And
11 it's to find that the actions have been or will be
12 taken with respect to age-related degradation such
13 that there is a reasonable assurance that the
14 activities can be conducted in accordance with the
15 current licensing basis. And that's the finding that
16 has to be made prior to issuing a renewed license.

17 Now at the risk of generating more
18 questions, although the adequacy of the current
19 licensing basis is going to be excluded from the
20 proceedings, obviously, as I've indicated, the current
21 licensing basis is not, because the completeness and
22 the accuracy of the current licensing basis is very
23 important in the screening process, as I illustrated.
24 So I would presume that in a proceeding, people could
25 question the completeness and accuracy of the current

1 licensing basis by questioning the screening
2 process, and I don't see any way to get rid of that
3 kind of a questioning.

4 COMMISSIONER CURTISS: Let me pursue that
5 to make sure I understand what you're saying. In the
6 proceeding, one could question whether you found all
7 of the commitments or requirements? In other words,
8 whether everything that's in the docket -- whether the
9 docket captures all of the commitments and
10 requirements? I guess an intervenor could point to
11 commitments or requirements that they've found that
12 are outside of the docket and say it's not true to say
13 that the docket contains all of them, or whether
14 you've scrubbed the docket in a sufficient manner to
15 capture all the commitments and requirements. But the
16 question of the adequacy or sufficiency of those
17 requirements or those commitments on particular issues
18 remains a non-litigable issue. Is that the way you
19 understand it?

20 DOCTOR MINNERS: Yes, sir.

21 COMMISSIONER CURTISS: Okay.

22 DOCTOR MINNERS: (Slide) On slide 11, I'd
23 like to discuss some of the other issues associated
24 with this rule, the first of which is PRA.

25 We had at first thought about requiring a

1 screening process using PRA, but we have decided that
2 that's not appropriate. And the rule is silent on use
3 of PRA in that way, but we discuss it in the SOC as a
4 possible method that would supplement deterministic
5 screening methods, and it's purely at the licensee's
6 option whether he wants to use it or not. And of
7 course, the rule requires licensees to describe their
8 screening method, so they would have to describe
9 however they use PRA.

10 And our basis for not requiring is that
11 the aging data and models are not very mature, and we
12 don't think that reliability of a PRA with aging in it
13 is high enough to be something that we would put all
14 our faith in. But of course, the process may mature
15 and become better and it may be more appropriate later
16 on and people can use it.

17 Also related to PRA is plants are going to
18 be doing PRAs as part of their IPE. And the SRM
19 addressed the question of IPE and requested the staff
20 not to confuse people with license renewal and IPE.
21 And so, we have eliminated most of the discussion of
22 IPE, except to make a simple statement that we expect
23 that all plants will have completed a plant specific
24 PRA as part of the IPE program. And this is presented
25 in the context of bolstering the adequacy of the

1 current licensing basis that we're doing the IPE. And
2 if we need any more changes to the licensing basis,
3 the IPE may identify them.

4 CHAIRMAN CARR: We really expect that or
5 do we understand that?

6 DOCTOR MINNERS: I think the word is --

7 CHAIRMAN CARR: You used the word
8 "expect."

9 DOCTOR MINNERS: I'll defer to Doctor
10 Murley, because I think that's his word, "expect."

11 CHAIRMAN CARR: If they do a PRA as part
12 of the IPE, that's just their business. We don't
13 require that. So we understand they're all going to
14 do PRAs, though.

15 DOCTOR MINNERS: But they are required --

16 COMMISSIONER ROBERTS: You can bet they
17 all are.

18 DOCTOR MINNERS: But they are required to
19 do PRAs. It's not a voluntary action. They are
20 required to do IPEs, that's what I meant.

21 CHAIRMAN CARR: Okay.

22 COMMISSIONER ROBERTS: They're all going
23 to do a PRA.

24 DOCTOR MINNERS: Okay. Pardon me, you're
25 right.

1 CHAIRMAN CARR: All I wanted to do was
2 make sure that it's understood, rather than expected.

3 DOCTOR MINNERS: Okay.

4 The next issue is backfit, which the SRM
5 had some directions which we think we've followed. I
6 think in my discussions with OGC, the legal theory is
7 the backfit rule does not apply to the Part 54
8 rulemaking, nor does it apply to a license renewal
9 proceeding. Although the backfit rule doesn't apply
10 to the rulemaking, we have done a regulatory analysis
11 which looks at the benefits and costs of our proposed
12 rulemaking and some alternatives, and it comes to the
13 conclusion that what we're doing is cost effective.

14 When it comes time for an applicant to
15 have his application reviewed, we will not apply a
16 cost benefit test to any age-related requirements that
17 are needed for adequate safety, nor will we apply a
18 cost benefit test to any age-related requirements that
19 are needed to maintain compliance with the current
20 licensing basis.

21 COMMISSIONER CURTISS: On those two,
22 before you go on, on page 45 of the statement of
23 considerations you indicated that for those two
24 instances where the backfit rule would not apply,
25 quote, "the staff need not prepare a separate document

1 explaining the basis for this conclusion," right in
2 the middle of the page there.

3 What's the reason for not documenting the
4 basis for the staff's conclusion that a backfit or a
5 particular change is either necessary for adequate
6 safety or to maintain the CLB and hence not subject to
7 the cost benefit analysis? There must be a reason to
8 reach that conclusion.

9 DOCTOR MINNERS: Well, I think it would be
10 a burden on the staff, because there's going to be a
11 lot of age-related requirements. And it would be
12 quite a burden on the staff to go down and explain for
13 each one of these things, and rather repetitious, of
14 why we think they're either adequate safety or
15 compliance. And I guess it's presumptive that we're
16 going to follow our own policies and only omit cost
17 benefit analysis for those two classes of
18 requirements.

19 MR. PARLER: I think it's a question, Mr.
20 Chairman, of how many times you have to document.

21 CHAIRMAN CARR: Yes.

22 MR. PARLER: Presumably the compliance or
23 the adequate protection exemptions to the backfit rule
24 would apply, because you'd have to make the
25 improvements in order to pass an age-degradation

1 muster. And I would assume that would be explained in
2 the safety evaluation report.

3 CHAIRMAN CARR: That's the way I read this
4 is it was --

5 COMMISSIONER CURTISS: Somewhere in the
6 document there is --

7 CHAIRMAN CARR: A separate document
8 wouldn't be required, but it would be in the safety
9 evaluation report.

10 COMMISSIONER CURTISS: Okay, emphasis on
11 separate.

12 DOCTOR MURLEY: Commissioner, the
13 following sentence on that page was meant to mean that
14 we would document it in the SEI.

15 COMMISSIONER CURTISS: Somewhere in the
16 licensing proceeding you would be able to go back and
17 find the basis for the staff's conclusion. Okay, I'm
18 comfortable with that.

19 DOCTOR MINNERS: Okay. But we will do
20 cost benefit tests for age-related things that would
21 go beyond the current licensing basis. And of course,
22 the backfit rule would apply to any non-age-related
23 changes in the current licensing basis which we hope
24 in the context of a renewal application there aren't
25 any of those things.

1 And not noted on here, but once again,
2 once the license is issued the backfit rule then comes
3 in in full force, which is like he had in OL. And we
4 don't believe that any change in the backfit rule is
5 necessary to implement this process. So we haven't
6 made any conforming changes to 51.01.

7 (Slide) On slide 13 is a discussion of
8 the scope of the proceedings, which is kind of
9 repetitious. I guess, we're just saying again we're
10 trying to limit the proceedings to age-related
11 degradations of systems, structures, and components
12 important to license renewal and we're excluding the
13 adequacy of the CLB in any changes to the CLB which
14 are not related to license renewal.

15 (Slide) On slide 14, decommissioning.
16 Obviously, if a plant gets a license renewal it
17 doesn't have to decommission and we hadn't thought
18 about that too much when we wrote the decommissioning
19 rule. So we're making conforming changes to 50.54
20 which requires that licensees notify the NRC of their
21 program to fund decommissioning and this is due five
22 years before any operating license expires. But it's
23 being revised to say that if an applicant has made a
24 sufficient application for renewal at least five years
25 ahead of his expiration date he doesn't have to make

1 this notification that was required by 50.54.

2 Also in a decommissioning plan or an
3 application to terminate his license, he is now
4 required one year before OL expiration. But we are
5 saying that if you're in the application proceeding
6 and have your application in and we've reviewed it,
7 don't have to do anything. But if we deny the
8 renewal, the decommissioning plan has to be in one
9 year after the denial.

10 CHAIRMAN CARR: If you deny the renewal
11 and he has made a timely renewal, his license is
12 expired and we're still looking at it, so he's
13 operating. Now we come up and deny the renewal. Are
14 we going to require him to shut down that day?

15 DOCTOR MINNERS: Yes, sir. Yes.

16 CHAIRMAN CARR: Okay. I just want to make
17 sure that's what we're doing. He no longer has an
18 operating license.

19 DOCTOR MINNERS: No longer has an
20 operating license.

21 CHAIRMAN CARR: So he'll have a license to
22 hold and continue to decommission, but not operate.

23 MR. PARLER: If you say that he has to
24 stop operating in that day, I would assume that would
25 mean that the existing license would have already

1 expired --

2 CHAIRMAN CARR: Oh, it expired while we
3 were still --

4 MR. PARLER: -- because his time has run
5 out. If he has an existing license that hasn't
6 expired and you deny the renewal, he can still operate
7 until the existing license --

8 CHAIRMAN CARR: Oh, yes. But I'm saying
9 if we didn't get our work done, he's operating beyond
10 his license because of the timely application and we
11 then deny it, he doesn't have a year to operate while
12 he's getting in his --

13 DOCTOR MINNERS: No.

14 CHAIRMAN CARR: -- decommissioning plan.
15 What he's really got is a year to get his
16 decommissioning plan after he shuts down that day.

17 DOCTOR MINNERS: But I would expect that a
18 denial could also contain an extension of operation if
19 that was -- we thought that that was a thing that
20 ought to be allowed.

21 CHAIRMAN CARR: That's not a denial then.

22 DOCTOR MINNERS: Well, it might say you
23 can operate another 30 days or something like that.

24 MR. PARLER: I think what he's thinking
25 about is a regulatory order of some kind that would

1 provide for orderly termination of the operation --

2 DOCTOR MINNERS: Right, that's right.

3 MR. PARLER: -- because of the failure to
4 grant a timely renewal.

5 CHAIRMAN CARR: Okay.

6 DOCTOR MINNERS: I mean, you might be in
7 some critical operating period where the power is
8 needed and we'd say, okay, we'll give you another 30
9 days or something.

10 MR. TAYLOR: We're hoping to avoid that.

11 MR. PARLER: That would have to be
12 carefully looked at.

13 CHAIRMAN CARR: I started to say -- yes,
14 that'll get a little scrutiny on that.

15 MR. TAYLOR: Yes, it will.

16 DOCTOR MINNERS: I hear that legal advice.

17 MR. TAYLOR: Our object is to avoid that
18 by getting early submissions.

19 CHAIRMAN CARR: Our object is to not have
20 one of those things where it expires while we're still
21 looking at it.

22 MR. TAYLOR: That is correct.

23 DOCTOR MINNERS: (Slide) On slide 15, I
24 just want to mention that we also are making a small
25 change to Part 51 in the environmental area. At the

1 moment, Part 51 requires us to write an environmental
2 impact statement if we renew a license, and we are
3 changing this to allow an environmental assessment to
4 be written. But of course, if the assessment does not
5 show insignificant impact, then an environmental
6 impact statement would have to be written. But we
7 would allow an environmental assessment.

8 COMMISSIONER CURTISS: On that point, I
9 gather from the SECY paper that there's a difference
10 of views between the staff and General Counsel on
11 whether to proceed with this change to Part 51 at this
12 point, versus subsequently, after we prepare the GED
13 and make the corresponding changes to Part 51.

14 MR. PARLER: There is a difference,
15 Commissioner, but it's nothing major. It's simply a
16 difference of perspective from our point of view
17 compared to theirs.

18 On the one hand, the staff would prefer to
19 make this proposed change now in order to alert the
20 future users as to what the rule of the game will be
21 in this particular area.

22 On the other hand, from our perspective,
23 if there is a generic environmental study underway,
24 and if as the paper indicated in the future changes
25 have to be made to Part 51, it would seem that this

1 could be left to that stage and we could tell the
2 users what our intent was. But it's of no great
3 consequence to me, because in any event, as Mr.
4 Minners has said, if the environmental assessment
5 indicates that there would be -- that the
6 environmental impacts would not be insignificant,
7 there would be an environmental impact statement
8 prepared in any event.

9 Strictly speaking, however, the change is
10 not simply a procedural change as the paper suggests,
11 because if you label something environmental
12 assessment, environmental statement, the difference in
13 the labels have different consequences. But the
14 difference is no significant difference.

15 COMMISSIONER CURTISS: Aside from just
16 advising the licensees that this is something that
17 we're thinking about, is there any other advantage to
18 doing it now versus later?

19 MR. TAYLOR: No, that's --

20 COMMISSIONER CURTISS: That's the only
21 one?

22 MR. TAYLOR: That's the principal --

23 MR. PARLER: But of course, the advice to
24 licensees now would be less than completely reliable,
25 because if the assessment indicates that you have to

1 protected, because we know that these issues are going
2 to be implemented and we have told licensees what we
3 want done. So we don't have a problem with it.

4 But we want to bring up the question of
5 whether maybe these should be removed from that
6 reasonable assurance price status and possibly then
7 would be open for the questioning in the proceedings.
8 So there might be some -- there are some USIs, generic
9 safety issues, and some SEP lesson learned issues
10 which are not yet implemented. So also what is
11 possible is as these issues do get implemented we
12 could revise the rule to bring these issues into the
13 reasonable assurance finding.

14 COMMISSIONER CURTISS: Let me follow up on
15 that. Take the SEP issues that you've identified
16 here. Is the concern here that we've resolved those
17 issues? We took the old plants, beginning with the
18 first 11. We've identified where those plants didn't
19 meet the requirements in the early '80s. And we have
20 identified issues that if you went to the docket you
21 could find out how each of those 11 plants had
22 addressed or would address those issues?

23 DOCTOR MINNERS: No, I think it's got to
24 be more the concern of we're screening those issues
25 now to see which ones which we think are significant

1 or topics other than the ones that we have identified,
2 emergency planning, physical security, et cetera,
3 should be excluded from aging management review.

4 The second question is kind of the
5 converse of that, whether any equipment or topics
6 should be added to the review requirement. At the
7 moment, site hazards and population are not part of
8 the screening process. So that's an example of one.

9 The last issue or the last question is
10 going toward the adequacy of the current licensing
11 basis. There's no problem with issues that are
12 resolved and implemented. They're part of the current
13 licensing basis. There's no problem with issues that
14 are as yet unresolved that are in our process, because
15 part of our process is we look at an issue when it's
16 identified and say, "Hey, do we have to take any
17 action now to provide adequate protection?" And all
18 of the issues that are being in the resolution process
19 have had that inspection and we've decided to take
20 whatever actions we have to take. In most cases,
21 none. In a few, we have.

22 So, but what is kind of in the middle are
23 issues which are resolved which are yet unimplemented.
24 And in the SOC, we believe that there is reasonable
25 assurance that the health and safety of the public is

1 have a statement, you have a statement in any event.
2 So the licensee would not know that until he found
3 out.

4 DOCTOR MINNERS: I'm not so sure how
5 useful an environmental assessment would be to
6 licensees. It would seem to me hard to write an
7 assessment for a continued operation of another 20
8 years and come to the conclusion that there's
9 insignificant impact.

10 MR. PARLER: I agree with that.

11 COMMISSIONER CURTISS: Okay.

12 MR. PARLER: That's part of our problem.

13 DOCTOR MINNERS: (Slide) On slide 16, we
14 address the questions that are at the end of the
15 statement of considerations. And our purpose in this
16 whole rulemaking is to try to get all of the issues
17 out for public comment. In this case, I think that
18 more is better than less, so that at the end of the
19 comment period we can make any changes that might be
20 appropriate and have a basis for making those changes.
21 If we omit things, then we might have to go out for
22 another public comment period if something new comes
23 up. So these questions are intended to try to cover
24 some areas to be sure that everything is addressed.

25 The first issue is whether any equipment

1 issues, and we're going to put those into the generic
2 issue process. And if those get resolved, they would
3 be unimplemented. I don't think it's the concern of
4 the plants that were reviewed under SEP. It's these
5 issues which were lessons learned from the SEP program
6 which we haven't quite decided what to do with.

7 MR. HELTEMES: They apply to the other
8 plants of the same vintage, perhaps. And what is
9 ongoing now within NRR is they're looking at those to
10 see if those lessons learned have been implemented by
11 any other mechanism.

12 COMMISSIONER CURTISS: It's all in the 11.
13 We're comfortable with the 11 that were looked at.
14 Other than those, it's the same vintage plants that if
15 you went to the docket it wouldn't be clear how those
16 SEP issues were resolved?

17 MR. HELTEMES: We're trying to see if it
18 is clear, to the extent to which it is clear, and
19 we're trying to see the residual where it is not
20 clear, where the lessons learned may apply to those
21 plants.

22 MR. TRAVERS: Perhaps I can give you a
23 sense of the numbers of issues that are involved. The
24 SEP lessons learned issues totalled some 27 issues
25 that were found to be generally applicable to older

1 plants. And we're in the process of evaluating those
2 issues to see where and how they've either been
3 resolved or are being resolved in existing programs,
4 ongoing programs or programs that have been completed.

5 And what we've found is the overwhelming
6 majority of those issues, 23 of them to be precise,
7 appear at this time in our preliminary efforts to be
8 resolved through other programs that have been ongoing
9 or completed.

10 And now we're looking at four issues to
11 determine whether or not some additional actions need
12 to be taken, perhaps prioritized in a generic issue
13 program or a generic letter or something developed as
14 a result of our looking at those, for older plants.

15 COMMISSIONER CURTISS: For the issues that
16 have not been resolved, the four that you've looked at
17 here and for the USIs and the GSIs, if you go through
18 and you identify unresolved issues for specific
19 plants, how would those be treated in plant life
20 extension? You suggested there'd be a possibility
21 that those would be contestable issues in the
22 proceeding.

23 DOCTOR MINNERS: No, I think -- well, I
24 guess anybody could bring up any issues. But I think
25 we would say that our process has taken care of those

1 and they should not be addressed in the licensing
2 procedures, because we have a procedure --

3 CHAIRMAN CARR: Be no different in the
4 31st year than there was in the 39th year.

5 MR. TAYLOR: And of course, we'll try to
6 clean them up in the process.

7 COMMISSIONER CURTISS: Okay.

8 DOCTOR MURLEY: We plan to treat it like
9 any other generic issue that's unresolved.

10 COMMISSIONER CURTISS: Okay. That was my
11 question.

12 MR. HELTEMES: Becomes a compliance issue.
13 The inspection program will assure that the commitment
14 of the licensee is properly and effectively carried
15 out.

16 DOCTOR MINNERS: I think he was talking
17 about unresolved issues.

18 MR. HELTEMES: Resolved but unimplemented
19 is what --

20 DOCTOR MINNERS: Unresolved or
21 unimplemented?

22 COMMISSIONER CURTISS: For the four
23 unresolved SEP issues.

24 DOCTOR MURLEY: We intend to treat that as
25 a generic issue to see whether it, in fact, is

1 applicable. Is there a generic solution? And if so,
2 is it applicable to that plant? Because, it's not
3 obvious.

4 COMMISSIONER CURTISS: Okay. I
5 understand.

6 COMMISSIONER REMICK: When do you expect
7 that effort will be completed?

8 MR. TRAVERS: Our effort to preliminarily
9 go through the list to determine which have been
10 resolved, in our view, is almost done. Within a
11 matter of a couple of weeks, I expect that effort to
12 be completed.

13 Further efforts to determine whether or
14 not to put the remaining issues into the generic issue
15 hopper and prioritize them would be accomplished
16 within several months, I would expect.

17 MR. TAYLOR: We can keep the Commission
18 informed of that.

19 COMMISSIONER REMICK: Fine.

20 DOCTOR MINNERS: (Slide) Let's go to the
21 last slide, 17. I'd like to discuss resources and
22 schedules.

23 The Commission asked us in the SRM to
24 apply all of the resources necessary to implement this
25 rule. And so far, I think we have adequate resources.

1 I know Research has added some more resources to do
2 the Part 51 rulemaking, and I understand that NRR is
3 staffing up also in their area. So as far as
4 resources go at the moment, I think everybody's happy.

5 We also had the question about the
6 schedule, and the overall -- I guess, maybe for you
7 the bad news is that the overall schedule is not
8 changed. We still are on a schedule to have the Part
9 54 rule issued in May of 1991, before the first
10 applicant comes in. And we got that to the EDO on
11 April 30th on schedule, and he got it to you on the
12 3rd of May, which was about two weeks ahead of the May
13 14th scheduled date. So we're a little ahead of
14 schedule on the rule.

15 We hope to reschedule to publish the rule
16 in the *Federal Register* on the 29th of June. And so
17 therefore, we need some time to go through the
18 mechanism. We have to go and get some of these
19 enclosures published so that they're available for the
20 public if they're requested. We need to give this to
21 OMB to look at. So if we had an approved rule and
22 accompanying documents, we could probably do it in a
23 month and possibly three weeks. So somewhere around
24 the first of June is when we think we need approval so
25 that we can meet our 6/29 date.

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1 The Part 51 rule is also scheduled
2 unchanged for its final. We've had a little slippage
3 on some of the intermediate milestones. I think we're
4 catching up on that. We're not behind on any of the
5 major milestones, some of the interdm milestones. As
6 I said, we're applying more resources to that, so
7 we'll be there.

8 And I might note that the draft of the
9 Part 51 rule is scheduled to be published also in May
10 of '91 at the same time that the final rule is, Part
11 54.

12 We were urged to try to accelerate the
13 schedule for the standard review plan and reg guide,
14 and we don't believe that we can do that. We believe
15 that we have a tight but meetable schedule and we
16 think it will work out, because this material will be
17 issued in December before the rule is issued and
18 applicants will then have a chance to have a pretty
19 good idea of what we're thinking of. It ought to be
20 pretty near final form at that time.

21 We were also asked to look at the schedule
22 for industry technical reports, and we think that's a
23 very optimistic schedule and certainly couldn't be
24 accelerated. The last technical report is scheduled
25 to be submitted in August of this year, and our last

1 SER is scheduled for September of '91, which seems to
2 be after the first application. But these are not
3 necessary or critical to the lead plant reviews. They
4 are basically doing this technical work themselves,
5 and in a lot of cases I think are probably out in
6 front of these industry reports. And these would be
7 more useful later on when the bulk of applications
8 come in and we can get down to a kind of a generic
9 review of these things.

10 We would expect that we would -- we
11 anticipate that we revisit the rule after our
12 experience with the lead plants, also the SRP and the
13 reg guides and the question of current licensing basis
14 and those kind of things. We would use the lead plant
15 experience to see if any changes would be appropriate.

16 Unless there are further questions, that
17 completes my presentation.

18 CHAIRMAN CARR: Commissioner Rogers?

19 Excuse me, Commissioner Remick?

20 COMMISSIONER REMICK: Thank you.

21 First, I want to commend the staff for
22 maintaining the schedule and urge that you continue to
23 do so.

24 Most of my questions have been answered
25 during the discussion, but in the statement of

1 considerations you refer to an average plant
2 expenditure of about 197,500 person hours per -- for
3 the analytical and paperwork burden of this. I
4 couldn't find it in your regulatory analysis. Is it
5 discussed in there how that was arrived at?

6 DOCTOR MINNERS: We'd have to go find --

7 COMMISSIONER REMICK: Okay. You can get
8 back to me. I was just curious how it -- not 198,000
9 or 197,000, but 197,500.

10 CHAIRMAN CARR: Take a little off for--
11 took a little vacation.

12 DOCTOR MINNERS: Could you give me a page
13 reference for that, sir?

14 COMMISSIONER REMICK: It's in the
15 statement of considerations.

16 DOCTOR MINNERS: Okay, we can find it.

17 COMMISSIONER REMICK: Page 8 of the SECY
18 paper, I believe, and page 75 of enclosure 1, I think.

19 DOCTOR MINNERS: Thank you.

20 CHAIRMAN CARR: Sounded like 100 man
21 years.

22 COMMISSIONER REMICK: What's that?

23 CHAIRMAN CARR: Sounded like 100 man years
24 is what it sounded like.

25 COMMISSIONER REMICK: Oh, yes. That's

1 right. Came to the same conclusion.

2 The other question, at any time, did we
3 amend the license or accept the commitment for a plant
4 on the basis that it would only operate for another 22
5 years to the end of its 40 year license or anything
6 like that? Have we ever? And if so, how will we
7 handle those type of things in this license renewal
8 consideration?

9 DOCTOR MURLEY: The answer is we may well
10 have. I mean I can't say, but there are some things
11 that are time dependent in our regulations, like the
12 pressurized thermal shock rule. It could very well be
13 that they have asked us for some relief on capsules or
14 something like numbers of capsules or timing of
15 capsules that we may have made a decision on with
16 regard to timing, the expectation of a fixed term.

17 Now, the reason I'm hesitant is we know we
18 can find that information out. We just haven't done
19 it yet. But insofar as there are those kinds of
20 things, we will need to know those when we look for
21 the current licensing basis.

22 COMMISSIONER REMICK: Do you think in the
23 document we have people will logically think of that
24 when they're going through this process? In other
25 words, will licensees logically include that type of

1 situation?

2 DOCTOR MURLEY: I think what we're going
3 to have to do is a special task to think of those
4 cases that may have come up just like that and then
5 have a dialogue with the industry to do that. I think
6 it's a very good idea.

7 DOCTOR MINNERS: I don't know if this is
8 exactly what you're considering, but in the proposed
9 rule -- sir?

10 CHAIRMAN CARR: No, go ahead.

11 DOCTOR MINNERS: In the proposed Rule
12 54.21(b), it discusses exemptions which was of concern
13 to us which says if you've got an exemption, you have
14 to go review that exemption to see if it was based on
15 some assumed service life and is still applicable for
16 the renewal --

17 COMMISSIONER REMICK: Well, that certainly
18 would catch exemptions, but there might have been
19 others that we decide -- yes. There might have been
20 something exempted on that basis, but there might have
21 been other --

22 DOCTOR MINNERS: Well, also when they go
23 through their affected program analysis, they would
24 have to look and see if they have an effective program
25 and demonstrate that's an effective program for the

1 renewal term as well as for --

2 CHAIRMAN CARR: Plants are a lot more
3 likely to be tracking that then we are, I would think.

4 COMMISSIONER REMICK: I hope. That's all
5 I have.

6 CHAIRMAN CARR: Commissioner Roberts?

7 COMMISSIONER ROBERTS: Well, no questions,
8 just an observation. This is a terribly important
9 issue and a very complex one and I think you're doing
10 an excellent job with the proposed rule and we look
11 forward to a comment from the public and interested
12 parties.

13 CHAIRMAN CARR: Commissioner Rogers?

14 COMMISSIONER ROGERS: Well, I would second
15 that. I think staff's been doing an excellent job
16 here.

17 Just how do these steps that the lead
18 plants have been using in this process compare to your
19 screening methodology? Are they following something
20 close to that?

21 DOCTOR MINNERS: Similar, but not
22 identical.

23 MR. TRAVERS: Commissioner, I'd like to
24 speak to that. We've taken a look at Yankee-Rowe's
25 methodology report to date. We expect a methodology

1 report in June for Monticello, the second hot plant.
2 Their screening methodology is quite close to what the
3 rule states and we expect it's going to be quite close
4 to the NUMARC methodology that's being put together
5 ultimately. Some differences, but we expect that
6 those will be worked out.

7 COMMISSIONER ROGERS: Good. That's all I
8 have.

9 CHAIRMAN CARR: Commissioner Curtiss?

10 COMMISSIONER CURTISS: I don't have any
11 further questions. I just want to commend the staff
12 for getting the paper up here early. They've done a
13 remarkable job.

14 CHAIRMAN CARR: I've got a couple of
15 questions.

16 One, on page 24 of the statement of
17 consideration, the same page that Commissioner Roberts
18 mentioned, the last sentence in paragraph 2 of that
19 page, it says, "Such licensee-initiated changes in the
20 current licensing basis would be subject to challenge
21 in a hearing." It appeared to me that if the licensee
22 opts to take a little margin out but he's still
23 adequately safe and meets the adequate safety margin,
24 why do we have to have a hearing if we've got adequate
25 protection and all he's done is remove margin above

1 adequate protection?

2 MR. PARLER: This doesn't say that you
3 have to have a hearing, Mr. Chairman. It says it's
4 subject to challenge. Some interested party who may
5 be an intervenor in the proceeding may not agree that
6 there's adequate margin, may not agree with the
7 licensee, may not agree with the staff. That's what
8 that sentence is about.

9 CHAIRMAN CARR: So, it wouldn't
10 necessarily mean he got a hearing?

11 MR. PARLER: It means they have an
12 opportunity to challenge it.

13 COMMISSIONER ROBERTS: Challenge it, not
14 necessarily a hearing.

15 CHAIRMAN CARR: Okay. The second one is
16 on page 40 of the statement of considerations, I'm
17 concerned that we've got something in there that will
18 cause us some problems when you say the last sentence
19 in the first paragraph, talking about a sufficient
20 renewal application. If somebody's going to challenge
21 us on the sufficiency because you go back and ask them
22 some questions, is there any -- I guess I'm really
23 curious as to why you have to specify a sufficient
24 application.

25 DOCTOR MINNERS: Well, the extreme example

1 where somebody would send in a postcard and say, "I
2 want to renew my license."

3 CHAIRMAN CARR: Well, but you're putting
4 out a guide on what constitutes what you want in the
5 application, right?

6 DOCTOR MINNERS: And that would define
7 sufficient.

8 MR. PARLER: The timely renewal -- the
9 benefits of the timely renewal document we get comes
10 from the Administrative Procedure Act and the
11 adjective that you are talking about stems from the
12 requirements in that act.

13 CHAIRMAN CARR: Yes, I gathered that from
14 the staff.

15 MR. PARLER: That sentence would be overly
16 stringent just to make sure that we didn't get
17 something frivolous so that by filing something
18 without any foundation at all, the applicant could get
19 the benefit of the time or renewal provision of the
20 law.

21 CHAIRMAN CARR: Okay. So you don't think
22 we'll get in an argument over the sufficiency?

23 MR. PARLER: I would never sit here and
24 tell you that you'll never get in an argument.

25 CHAIRMAN CARR: I was trying to keep from

1 getting into an argument.

2 MR. PARLER: Well, our colloquy just
3 helped minimize what the disastrous result might be if
4 somebody tried to make a mountain out of a molehill.

5 CHAIRMAN CARR: Well, I too would like to
6 thank the staff for the briefing. As you know, this
7 item is has been tops on my priority list. I think
8 it's the most important thing we're doing right now
9 for the country because if we can't renew the licenses
10 for that 20 percent of the power that's out there and
11 there's nobody building new plants of any kind, why
12 the country is going to be in trouble. So it's
13 important that we be able to get our work done.

14 It appears that all the offices, Research,
15 NRR and OGC, have worked closely together to come to
16 the proposed license renewal rule on schedule and I
17 commend you for this and I also commend the EDO, who I
18 know jerked a few tight knots to make sure that
19 happened. But I appreciate that and I know there's a
20 lot of hard work that went into it.

21 I'll be looking forward to receiving
22 comments on the proposed rule and urge you to
23 carefully consider such comments as well as any
24 further information gained from the aging research
25 program in developing the final rule.

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1 Any of my fellow Commissioners have any
2 additional comments?

3 Well done, gentlemen.

4 (Whereupon, at 3:33 p.m., the above-
5 entitled matter was adjourned.)
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This is to certify that the attached events of a meeting
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PLACE OF MEETING: ROCKVILLE, MARYLAND

DATE OF MEETING: MAY 16, 1990

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COMMISSION BRIEFING

**PROPOSED RULE ON
NUCLEAR POWER PLANT LICENSE RENEWAL**

WARREN MINNERS, DIRECTOR

DIVISION OF SAFETY ISSUE RESOLUTION

OFFICE OF NUCLEAR REGULATORY RESEARCH

MAY 16, 1990

OUTLINE OF PRESENTATION

- o TWO PRINCIPLES OF APPROACH**
- o KEY RULE PROVISIONS**
- o ISSUES**
- o QUESTIONS**
- o SCHEDULE**

TWO PRINCIPLES

- o CURRENT LICENSING BASES**
 - ADEQUATE FOR RENEWAL TERM, EXCEPT AGING**
 - CARRIED FORWARD**
 - NO NEW FINDINGS, NOT IN SCOPE OF PROCEEDINGS**
- o AGE-RELATED DEGRADATION MANAGEMENT**
 - FOR SYSTEMS, STRUCTURES, & COMPONENTS
IMPORTANT TO LICENSE RENEWAL**
 - FINDING BECOMES BASIS FOR LICENSE RENEWAL**
 - PROCEEDINGS LIMITED TO THIS ISSUE**

CURRENT LICENSING BASES

- o PLANT-SPECIFIC**
- o NRC REQUIREMENTS & LICENSEE COMMITMENTS ON DOCKET IN EFFECT AT TIME OF APPLICATION**
 - ORIGINAL**
 - SUBSEQUENT**
- o RULE, STATEMENT OF CONSIDERATIONS**
 - SUPPLEMENT TO SOC ON FOUNDATION FOR ADEQUACY***

*** NEW SINCE 1/90**

CLB - RULE

- o CLB DEFINED IN RULE**
- o COMPILATION BY LICENSEE**
 - NOT SUBMITTED TO NRC***
 - BUT AVAILABLE FOR AUDIT**
 - USED IN SCREENING PROCESS**
- o CLB BECOMES A PART OF RENEWED LICENSE**
 - INCORPORATED INTO AND DEEMED PART OF LICENSING DOCKET**
- o REASONABLE ASSURANCE FINDING [50.57 (a)] NEED NOT BE MADE ANEW**

*** CHANGE SINCE 1/90**

CLB - SOC

- o PROCESS FOR EVOLVING LICENSING BASES**
- o USIs, GSIs, SEP**
- o COMPLIANCE FINDING NOT REQUIRED**
 - LICENSEE PROGRAMS**
 - NRC REGULATORY OVERSIGHT**

CLB - FOUNDATION FOR ADEQUACY

- o SUPPLEMENT TO SOC***
- o DESCRIBES EVOLUTION OF LICENSING BASES IN MAJOR SAFETY ISSUE AREAS**
 - PROCESSES THAT HAVE ENSURED CONTINUED ADEQUACY OF OLDER PLANTS**
- o SUPPORTS GENERIC FINDING THAT REASONABLE ASSURANCE FINDINGS FOR OLs CONTINUE TO BE TRUE**
- o SITE CHANGES: HAZARDS, DEMOGRAPHY**

*** NEW SINCE 1/90**

AGE-DEGRADATION MANAGEMENT

- o FOR SYSTEMS, STRUCTURES, AND COMPONENTS IMPORTANT TO LICENSE RENEWAL DEFINED AS:**
 - SAFETY-RELATED SSCs FOR DESIGN BASIS EVENTS**
 - SSCs IN SAFETY ANALYSES NEEDED TO MEET CLB**
 - SSCs WHOSE FAILURE COULD PREVENT ACCOMPLISHMENT OF SAFETY FUNCTIONS**
 - POST-ACCIDENT MONITORING EQUIPMENT**
- o BUT CLB PROVISIONS ARE ADEQUATE FOR TIME-RELATED CHANGES AFFECTING EMERGENCY PLANNING, SECURITY, OPERATOR LICENSING, AND FINANCIAL QUALIFICATIONS**

AGING MANAGEMENT - RULE

- o DEFINITIONS**
- o INTEGRATED PLANT ASSESSMENT**
 - SCREENING PROCESS STEPS SPECIFIED***
 - APPLICANT TO DESCRIBE METHOD FOR EACH STEP**
- o CREDIT FOR ESTABLISHED EFFECTIVE PROGRAMS**
- o LICENSE CONDITIONS AS NEEDED TO ADDRESS AGE-RELATED DEGRADATION**

*** NEW SINCE 1/90**

SCREENING - STEPS *

- (1) IDENTIFY & LIST ALL SSCs IMPORTANT TO LICENSE RENEWAL**
- (2) IDENTIFY & LIST CONSTITUENT ELEMENTS (STRUCTURES & COMPONENTS) OF SSCs FROM STEP (1) THAT ARE NEEDED FOR SAFETY FUNCTION**
- (3) IDENTIFY & LIST STRUCTURES & COMPONENTS FROM (2) THAT ARE SUBJECT TO ESTABLISHED EFFECTIVE PROGRAMS**
- (4) DESCRIBE ACTIONS FOR STRUCTURES & COMPONENTS FROM STEP (2) THAT ARE NOT COVERED BY PROGRAMS OF STEP (3); SHOW ADEQUACY**

*** REFINED SINCE 1/90**

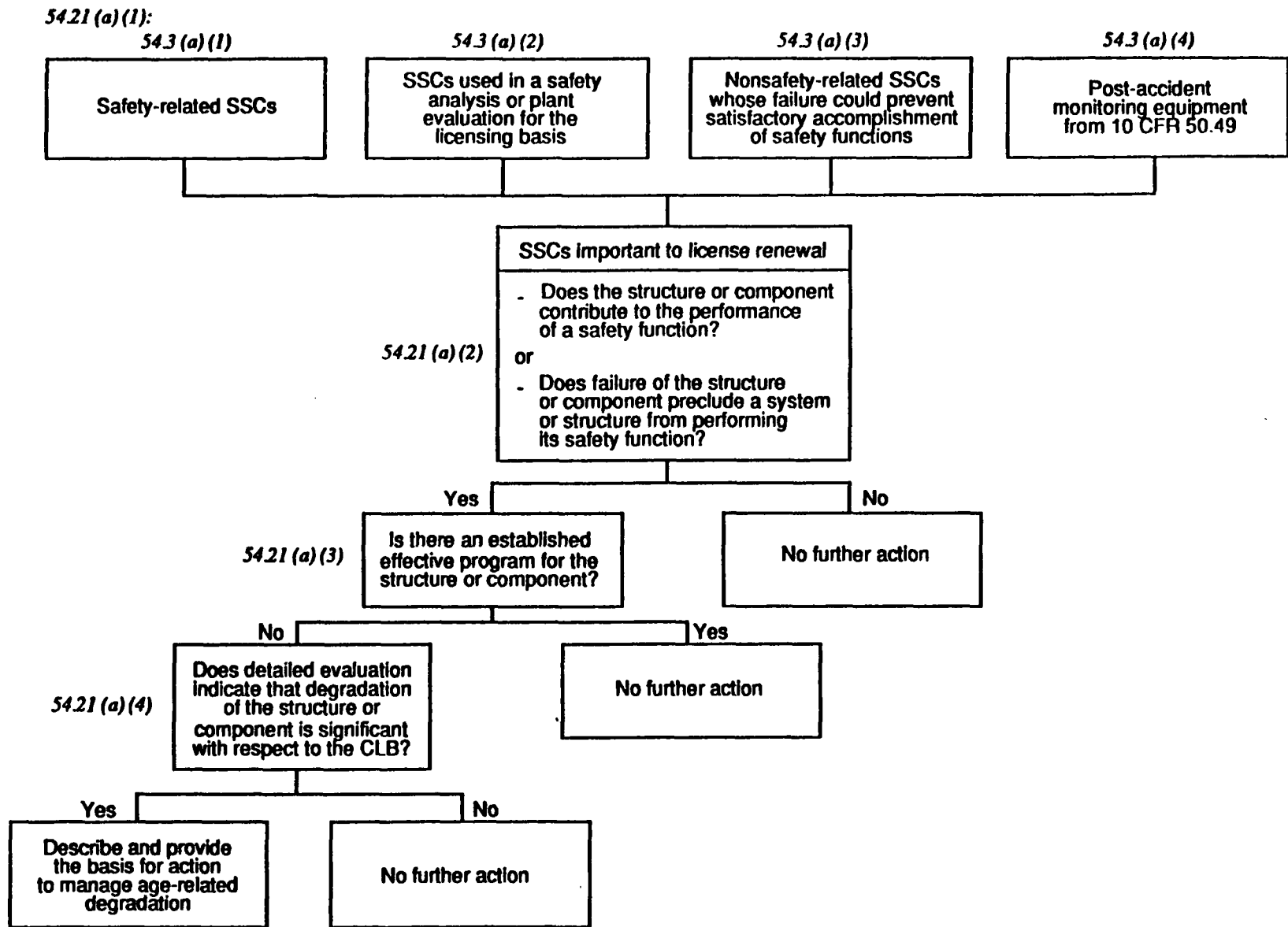


Figure 3.1 Integrated plant assessment for identifying structures and components for aging management.

REQUIRED NRC FINDING

- o WITH RESPECT TO AGE-RELATED DEGRADATION:**
 - FOR SSCs IMPORTANT TO LICENSE RENEWAL**
 - ACTIONS TAKEN OR TO BE TAKEN GIVE REASONABLE ASSURANCE THAT ACTIVITIES CAN BE CONDUCTED IN ACCORDANCE WITH CLB**

PROBABILISTIC RISK ASSESSMENT *

- o SCREENING AND AGING MANAGEMENT APPROACHES MAY INCLUDE PRA**
 - AS SUPPLEMENT TO DETERMINISTIC METHODS**
 - AT LICENSEE OPTION**
- o AGING DATA AND MODELS NOT DEVELOPED**
 - INCREASED USE OF PRA MAY BECOME APPROPRIATE AS AGING RESEARCH PROGRESSES**

*** CHANGE SINCE 1/90**

BACKFIT

- o PART 54 RULEMAKING NOT SUBJECT**
- o NO COST-BENEFIT TEST FOR AGING MANAGEMENT REQUIREMENTS NEEDED:**
 - FOR ADEQUATE SAFETY**
 - TO MAINTAIN CLB**
- o COST-BENEFIT TEST FOR AGING MANAGEMENT REQUIREMENTS THAT GO BEYOND CLB**
- o BACKFIT RULE APPLIES TO NON-AGE-RELATED CHANGES IN CLB**
- o NO CHANGE IN BACKFIT RULE**

SCOPE OF PROCEEDINGS

- o LIMITED TO ACTIONS TO MANAGE AGE-RELATED DEGRADATION OF SSCs IMPORTANT TO LICENSE RENEWAL**
- o NOT IN SCOPE:**
 - ADEQUACY OF CLB**
 - CLB CHANGES NOT RELATED TO LICENSE RENEWAL**

DECOMMISSIONING

- o NOTIFICATION [50.54 (bb)]:**
 - DUE 5 YR BEFORE OL EXPIRATION, BUT RENEWAL APPLICANTS FILING AT LEAST 5 YR AHEAD ARE EXCUSED**
- o DECOMMISSIONING PLAN [50.82 (a)]:**
 - DUE 1 YR BEFORE OL EXPIRATION, BUT TIMELY RENEWAL APPLICANTS MAY POSTPONE TO 1 YR (MAX.) AFTER DENIAL OF RENEWAL**

ENVIRONMENTAL IMPACT (PART 51) *

- o SUPPLEMENT TO EIS MAY BE EA OR EIS**
 - WITHOUT PART 51 CHANGE EIS WOULD BE REQUIRED**
 - EIS WOULD STILL BE REQUIRED IF EA DOES NOT SHOW INSIGNIFICANT IMPACT**

*** CHANGE SINCE 1/90**

QUESTIONS IN SOC

- 1. ANY EQUIPMENT OR TOPICS TO BE EXCLUDED FROM AGING-MANAGEMENT REVIEW?**
- 2. ANY EQUIPMENT OR TOPICS INVOLVING CHANGES OVER TIME TO BE ADDED TO REVIEW REQUIREMENTS?**
 - E.G., SITE HAZARDS, DEMOGRAPHY?**
- 3. SHOULD RESOLVED, UNIMPLEMENTED ISSUES BE REMOVED FROM REASONABLE ASSURANCE FINDING [50.57(a)]?**
 - USIs, GSIs, SEP "LESSONS LEARNED"?**

SCHEDULE

- o OVERALL SCHEDULE NOT CHANGED**
 - FINAL RULE PART 54 5/91**
 - FINAL RULE PART 51 4/92**
- o STANDARD REVIEW PLAN, REG. GUIDE**
 - ISSUANCE FOR COMMENT BEFORE FINAL RULE**
- o INDUSTRY TECHNICAL REPORTS**
- o REVISIT RULE, SRP/RG AFTER LEAD PLANTS EXPERIENCE**