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PRM 50-30

RES Files

Subject File No.

R-2914.03

Task No.

Research Request No.

FIN No.

NUREG No.

Docket No.

Rulemaking No.

Other

Return NRC-318

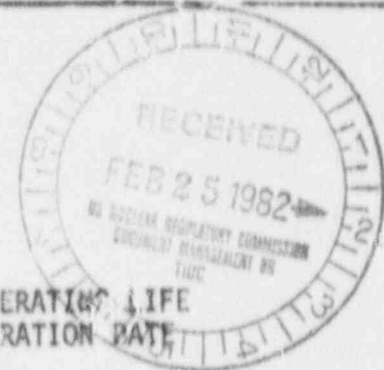
to RES, Yes ☒ No ☐

MEMORANDUM FOR: H. R. Denton, Director
Office of Nuclear Reactor Regulation

G. H. Cunningham
Executive Legal Director

FROM: R. M. Bernero, Director
Division of Risk Analysis
Office of Nuclear Regulatory Research

SUBJECT: RESPONSE TO PETITION TO EXTEND THE OPERATING LIFE
OF NUCLEAR POWER PLANTS: FIXING EXPIRATION DATE
OF OPERATING LICENSES



By letter dated September 11, 1981, the Council on Energy Independence filed a petition for rulemaking (PRM 50-30) requesting that the Commission amend 10 CFR 50.51 to restore the originally intended operating life (about 35 years) of nuclear power plants. (See enclosure.)

In so doing, the petitioner raises a question about the method by which the Commission fixes the expiration date of operating licenses for nuclear power plants.

First, the petitioner assumes that the Commission would have to amend 10 CFR 50.51 in order to tie the expiration date of operating licenses to the date of operating license issuance.

A staff member of the Regulations Division, ELD, advises, however, that there is no need to amend 10 CFR 50.51 because its text permits the Commission to issue an operating license for a fixed period from 0 years to 40 years from the date of issuance of the operating license. (Under 10 CFR 50.51 where operation of a facility is involved, the Commission issues the license for the term requested by the applicant or for the estimated useful life of the facility if the Commission determines that the estimated useful life is less than the term requested, but in no case to exceed 40 years from the date of issuance.)

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Contact: J. J. Henry, RES
443-5981

Second, the petitioner assumes that the Commission's method of fixing the expiration date of operating licenses is permissive:

"Traditionally, the Commission has issued Operating Licenses (OL) for nuclear power plants for a term of 40 years from the date of Construction Permit (CP) issuance."

To address this particular point, it has been suggested that RES should briefly state the basis for the current policy of backdating the OL to the date of CP issuance. RES has been assigned the task of responding to PRM 50-30, primarily on the basis that no significant legal issues or policy issues are involved in preparing the Commission's response.)

Accordingly, your assistance is requested in locating and providing me with any legal memorandum, legal opinion, policy statement, office technical position, or other document that establishes the basis for the Commission's fixing the expiration date of operating licenses on the anniversary of the issuance date of construction permits for nuclear power plants. If no such document is available, please let me know so that fact can be taken into account in the Commission's response to PRM 50-30.

Your reply to my request by March 12, 1982, will be appreciated because the estimated completion date for this assigned task (6 months after the start date of February 17, 1982) is based on the staff's efforts to comply with Commission directives for timely responses to minor petitions for rulemaking.

151

Robert M. Bernero, Director
Division of Risk Analysis
Office of Nuclear Regulatory Research

Enclosure:

Letter 9/11/81 Daniel Kane, CEI to
SECY, NRC

Task No. RA 221-1

Distribution:

RES Central File R-2914-53

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