

February 1, 2000

Mr. Douglas J. Walters
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Washington, DC 20006-3708

SUBJECT: LICENSE RENEWAL ISSUE No. 98-0104, "ACCEPTANCE REVIEW OF
LICENSE RENEWAL APPLICATIONS"

Dear Mr. Walters:

Enclosed is the staff's evaluation and proposed resolution for the subject issue. The staff plans to incorporate the recommended resolution as part of the next revision to the Standard Review Plan for License Renewal. Accordingly, if there are any industry comments on the evaluation basis or the proposed resolution, we request that you document those comments within 30 days following your receipt of this letter, to ensure a timely resolution of this issue. If you have any questions regarding this matter, please contact Sam Lee at 301-415-3109 or Hai-Boh Wang at 301-415-2958.

Sincerely,

/RA/

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

Project 690

Enclosure: As stated

cc w/encl: See next page

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LICENSE RENEWAL ISSUE No. 98-0104
INCORPORATION OF LESSONS LEARNED INTO SECTION 1.1
OF THE STANDARD REVIEW PLAN FOR LICENSE RENEWAL

1. BACKGROUND

Section 1.1 of the draft Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants (SRP-LR) guides NRC reviewers in determining whether submitted renewal applications are acceptable for docketing and whether they are timely and sufficient.

2. EVALUATION

The NRC staff has gained experience on the use of SRP-LR, Section 1.1, and the associated checklist during the acceptance reviews of the Calvert Cliffs and Oconee license renewal applications. The NRC staff identified potential enhancements to the SRP-LR and have incorporated these lessons learned into a proposed revision to Section 1.1 of the SRP-LR. The proposed revision is attached.

3. RESOLUTION

The staff is proposing to revise Section 1.1 of the Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants to incorporate lessons learned during NRC staff acceptance reviews of the first two license renewal applications. The proposed revision is attached.

ATTACHMENT 1 - PROPOSED REVISION TO SRP-LR SECTION 1.1

1.1 Docketing of Timely and Sufficient Renewal Application

REVIEW RESPONSIBILITIES

PRIMARY-BRANCH RESPONSIBLE FOR LICENSE RENEWAL PROJECTS

SECONDARY-BRANCH RESPONSIBLE FOR ENVIRONMENTAL REVIEW
BRANCHES RESPONSIBLE FOR TECHNICAL REVIEW, AS
APPROPRIATE

I. AREAS OF REVIEW

This review plan section addresses the review of the acceptability of a license renewal application for docketing in accordance with 10 CFR 2.101 and whether a license renewal application is timely and sufficient in order to allow the provisions of 10 CFR 2.109(b) to apply. 10 CFR 2.109(b) was written to comply with the Administrative Procedures Act. Allowing 10 CFR 2.109(b) to apply to the application means that the current license will not expire until the NRC makes a final determination on the license renewal application.

It is important to note that this review is not a detailed in-depth review of the technical aspects of the application. Docketing of a timely and sufficient renewal application does not preclude requesting additional information as the review proceeds; nor does it predict the NRC's final determination regarding the acceptance or rejection of the renewal application. It is also important to note that a plant's current license will not expire after the passing of the license's expiration date if a timely and sufficient renewal application has been docketed. During this time until the renewal application has been finally determined by the NRC, the licensee must continue to comply with its licensing basis, including all applicable license conditions, orders, and rules and regulations.

The following areas relating to the license renewal application are reviewed:

A. Docketing/Sufficiency of Application

The license renewal application is reviewed for acceptability for docketing as a sufficient application in accordance with 10 CFR 2.101 and 10 CFR 2.109(b).

B. Timeliness of Application

The timeliness of a license renewal application is reviewed for applicability of 10 CFR 2.109(b) and 54.17(c).

II. ACCEPTANCE CRITERIA

The acceptance criteria for the areas of review define methods for meeting the requirements of the Commission's regulations in 10 CFR 2.101 and 10 CFR 2.109(b).

A. Docketing/Sufficiency of Application

It is enough that the licensee submits the required reports, analysis, and other documents required in such application (56 FR 64923). The same acceptance criteria apply to the docketing acceptance review of 10 CFR 2.101(a)(2).

B. Timeliness of Application

A sufficient license renewal application is timely if it is submitted at least 5 years, but not more than 20 years, before the expiration of the current operating license.

III. REVIEW PROCEDURES

A licensee may choose to submit plant-specific reports addressing portions of the license renewal rule requirements for NRC review and approval prior to submitting a renewal application. An applicant may incorporate by reference these reports or other information contained in previous applications for licenses or license amendments, statements, or correspondence filed with the Commission, provided that the references are clear and specific. However, the final determination of the docketing of a timely and sufficient renewal application is made only after a formal renewal application has been tendered to the NRC.

For each area of review, the following review procedures are to be followed:

A. Docketing/Sufficiency of Application

Upon receipt of a tendered application for license renewal, the reviewer should determine whether the applicant has made a reasonable effort to provide the administrative, technical, and environmental information. Draft Regulatory Guide DG-1047, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses,"⁽¹⁾ was issued for public comment on August 26, 1996 (61 FR 43792). DG-1047 provides draft guidance on the format and content of a renewal application. The reviewer should use the review checklist in Table 1.1-1 of this review plan section to determine whether the application is reasonably complete and conforms to the requirements in 10 CFR Part 54.

Items I.1 through I.10 in the checklist address administrative information and, for the purpose of this docketing/sufficiency review, the reviewer should check the "Yes" column if the information is included in the application. Item II in the checklist addresses timeliness of the application.

Items III.1 through III.4 and Item IV in the checklist address technical information and technical specification changes. The reviewer may consult Sections 3.0 and 4.0 of this Standard Review Plan (SRP) for information regarding a technical review. Although the purpose of this docketing/sufficiency review is not to determine the technical adequacy of the application, the reviewer should determine whether the applicant has provided reasonably complete information in the application to address the renewal rule requirements. The reviewer may request assistance from appropriate technical review branches to determine

whether the application is reasonable in addressing the items in the checklist such that there is sufficient information in the application for the staff to begin its technical review. The reviewer would check the "Yes" column for a checklist item if the applicant has provided reasonably complete information in the application to address the checklist item.

Item V in the checklist addresses environmental information. The environmental review staff should review the supplement to the environmental report in accordance with the guidelines in Draft Regulatory Guide DG-4005, "Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses,"⁽²⁾ which is the draft environmental regulatory guide for 10 CFR Part 51. The reviewer would check the "Yes" column if the staff in RGEB determines that the renewal application contains information consistent with the guidelines in the draft environmental regulatory guide. The NRC staff review and the NRC staff preparation of the supplemental environmental impact statement will be guided by Supplement 1, "Operating License Renewal for Nuclear Plants," to NUREG-1555.⁽³⁾

The application should address each item in the checklist for it to be a reasonably complete and sufficient application. If the reviewer determines that an item in the checklist is not applicable, the reviewer should include a brief statement that the item is not applicable and provide the basis for the statement.

If information in the application for a checklist item is either not provided or not reasonably complete and no justification is provided, the reviewer would check the "No" column for that checklist item. By checking the "No" column for any checklist item in Table 1.1-1, except as discussed in Section III.B, the reviewer indicates that the application is not acceptable for docketing as a sufficient renewal application, unless the applicant modifies the application to provide the specific information.

If the staff determines that the application is not acceptable for docketing as a sufficient application, the staff's letter to the applicant should clearly state that the application is not sufficient and is not acceptable for docketing, and that the provisions in 10 CFR 2.109(b) are not satisfied and the current license will expire at its expiration date. Further, the staff should discuss the deficiencies found in the application and offer an opportunity for the applicant to modify its application to provide the specific information. The staff would review the modified application, when submitted, to determine whether it is acceptable for docketing as a sufficient application.

If the reviewer is able to answer "Yes" to the applicable items in the checklist, the application is acceptable for docketing as a timely and sufficient renewal application. Therefore, the provisions of 10 CFR 2.109(b) are satisfied and the current license will not expire until the NRC makes a final determination on the renewal application. The staff would issue a letter to the applicant documenting the staff's determination that the application is acceptable for docketing as a timely and sufficient renewal application. Normally, this letter should be issued within 30 days of receipt of a renewal application. A notice of acceptance for docketing of the application and notice of opportunity for a hearing regarding renewal of licenses would then be published in the Federal Register.

If the staff determines that the application is acceptable for docketing as a sufficient application, the staff would begin its technical review. For license renewal applications, the NRC intends to maintain the docket number of the operating license in effect to ensure continuation of the requirements in the current licensing basis (CLB).

B. Timeliness of Application

Upon receipt of a tendered application for license renewal, the reviewer performs a docketing/sufficiency review, as discussed in Subsection III.A of this review plan section. If the reviewer determines that the application is acceptable for docketing as a sufficient application, the reviewer should determine whether this application is submitted in a timely manner to meet the provisions of 10 CFR 2.109(b).

If the sufficient application is submitted at least 5 years before the expiration of the current operating license, the reviewer would check the "Yes" column in Item II in the checklist in Table 1.1-1. If an applicant has to modify its application, as discussed in Subsection III.A of this review plan section, before the staff can find the application acceptable for docketing as a sufficient application, the modified application should be submitted at least 5 years before the expiration of the current operating license.

If the reviewer checks the "No" column in Item II in the checklist indicating that a sufficient renewal application is not submitted at least 5 years before the expiration of the current operating license, the staff's letter to the applicant should clearly state that the application is not timely and that the provisions in 10 CFR 2.109(b) are not satisfied and the current license will expire at its expiration date. However, if the application is otherwise determined to be acceptable for docketing, the staff technical review would continue.

IV. EVALUATION FINDINGS

The reviewer determines if sufficient and adequate information has been provided to satisfy the provisions of this SRP section. Depending on the results of this review, one of the following conclusions is included in the staff's letter to the applicant:

- The NRC staff has determined that the applicant has submitted sufficient information that is complete and acceptable for docketing, in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, AND 51.53(c). However, the staff's acceptance and sufficiency determination does not preclude request for additional information as the review proceeds.
- The application is not acceptable for docketing as a timely and sufficient renewal application.

V. IMPLEMENTATION

Except in those cases in which the applicant proposes an acceptable alternative method for complying with specified portions of the Commission's regulations, the method described herein will be used by the staff in its evaluation of conformance with Commission regulations.

VI. REFERENCES

1. Draft Regulatory Guide DG-1047, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses," August 1996.
2. Draft Regulatory Guide DG-4005, "Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses," July 1998.
3. Draft Regulatory Guide DG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants," July 1997.

TABLE 1.1-1.
ACCEPTANCE REVIEW CHECKLIST FOR DOCKETING OF
TIMELY AND SUFFICIENT RENEWAL APPLICATION

	<u>Yes</u>	<u>No</u>
I. <u>General Information</u>		
1. Application identifies specific unit(s) applying for license renewal	___	___
2. Filing of renewal application [10 CFR 54.17(a)] is in accordance with:		
A. 10 CFR Part 2, Subpart A		
a. 10 CFR 2.101	___	___
b. 10 CFR 2.109(b)	___	___
B. 10 CFR 50.4		
a. The application is addressed to the Document Control Desk as specified in 10 CFR 50.4(a)	___	___
b. The signed original application and 13 copies are provided to the Document Control Desk. One copy provided to the appropriate Regional office [10 CFR 50.4(b)(3)]	___	___
c. Verify that the form of the application meets the requirements of 10 CFR 50.4(c)	___	___
C. 10 CFR 50.30		
a. Application filed in accordance with 10 CFR 50.4 [10 CFR 50.30(a)(1)]	___	___
b. Application submitted under oath or affirmation [10 CFR 50.30(b)]	___	___
3. Applicant is eligible to apply for a license, and is not a foreign-owned or foreign-controlled entity [10 CFR 54.17(b)]	___	___
4. Application is not submitted earlier than 20 years before expiration of current license [10 CFR 54.17(c)]	___	___

TABLE 1.1-1.
ACCEPTANCE REVIEW CHECKLIST FOR DOCKETING OF TIMELY
AND SUFFICIENT RENEWAL APPLICATION (Continued)

		<u>Yes</u>	<u>No</u>
5.	Renewal application states whether it contains applications for other kinds of licenses [10 CFR 54.17(d)]	___	___
6.	Information incorporated by reference in the application is contained in other documents previously filed with the Commission, and the references are clear and specific [10 CFR 54.17(e)]	___	___
7.	Restricted data agreement is present and complies with 10 CFR 50.33(j) [10 CFR 54.17(f)]	___	___
8.	Written agreement on the accessibility of restricted data is provided [10 CFR 54.17(g)]	___	___
9.	Information specified in 10 CFR 50.33(a) through (e), (h), and (i) is provided or referenced [10 CFR 54.19(a)]:		
A.	Name of applicant	___	___
B.	Address of applicant	___	___
C.	Business description	___	___
D.	Citizenship and ownership details	___	___
E.	License information	___	___
F.	Construction or alteration dates	___	___
G.	Regulatory agencies and local publications	___	___
10.	Conforming changes have been submitted to the standard indemnity agreement (10 CFR 140.92, Appendix B) to account for the proposed change in the expiration date [10 CFR 54.19(b)]	___	___

TABLE 1.1-1.
ACCEPTANCE REVIEW CHECKLIST FOR DOCKETING OF TIMELY
AND SUFFICIENT RENEWAL APPLICATION (Continued)

	<u>Yes</u>	<u>No</u>
<p>II. <u>Timeliness Provision</u></p> <p>Sufficient application is submitted greater than 5 years before expiration of current license [10 CFR 2.109(b). If not, application can be accepted for docketing but timely renewal provision in 10 CFR 2.109(b) does not apply</p>		
_____	_____	_____
<p>III. <u>Technical Information</u></p> <p>1. An integrated plant assessment [10 CFR 54.21(a)] consists of:</p> <p>A. For those systems, structures, and components within the scope of license renewal [10 CFR 54.4], identification and listing of those structures and components that are subject to aging management review in accordance with 10 CFR 54.21(a)(1)(i) and (ii)</p> <p style="padding-left: 40px;">a. Description of the boundary of the system or structure considered (if applicant initially scoped at the system or structure level). Within this boundary, identification of structures and components subject to aging management review. For commodity groups, description of basis for the grouping</p> <p style="padding-left: 40px;">b. Lists of structures, and components subject to an aging management review (AMR)</p> <p>B. Description and justification of method used to identify structures and components subject to aging management review [10 CFR 54.21(a)(2)]</p> <p>C. Demonstration that the effects of aging will be adequately managed for each structure and component identified, so that their intended function(s) will be maintained consistent with the current licensing basis for the period of extended operation [10 CFR 54.21(a)(3)]</p>		
_____	_____	_____
_____	_____	_____
_____	_____	_____

TABLE 1.1-1.
ACCEPTANCE REVIEW CHECKLIST FOR DOCKETING OF TIMELY
AND SUFFICIENT RENEWAL APPLICATION (Continued)

		<u>Yes</u>	<u>No</u>
	a. Description of the structure and component intended function(s).	___	___
	b. Identification of applicable aging effects based on materials, environment, operating experience, etc.	___	___
	c. Aging management programs are identified and described	___	___
	d. Demonstration of aging management provided	___	___
2.	An evaluation of time-limited aging analyses (TLAAs) [10 CFR 54.21(c)] consists of:		
	A. Listing of plant-specific TLAAs in accordance with the six criteria specified in 10 CFR 54.3 [10 CFR 54.21(c)(1)]	___	___
	B. An evaluation of each identified TLAA using one of the three approaches specified in 10 CFR 54.21(c)(1)(i) to (iii)	___	___
3.	All plant-specific exemptions granted pursuant to 10 CFR 50.12 and in effect that are based on a TLAA are listed, and evaluations justifying the continuation of these exemptions for the period of extended operation are provided [10 CFR 54.21(c)(2)]		
	A. Listing of plant-specific exemptions that are based on TLAAs as defined in 10 CFR 54.3 [10 CFR 54.21(c)(2)]	___	___
	B. An evaluation of each identified exemption justifying the continuation of these exemptions for the period of extended operation [10 CFR 54.21(c)(2)]	___	___

TABLE 1.1-1.
ACCEPTANCE REVIEW CHECKLIST FOR DOCKETING OF TIMELY
AND SUFFICIENT RENEWAL APPLICATION (Continued)

		<u>Yes</u>	<u>No</u>
IV.	A final safety analysis report (FSAR) supplement [10 CFR 54.21(d)] contains the following information:		
	1. Summary description of the aging management programs and activities for managing the effects of aging	___	___
	2. Summary description of the evaluation of TLAAs	___	___
V.	<u>Technical Specification Changes</u>		
	Any technical specification changes necessary to manage the aging effects during the period of extended operation and their justifications are included in the application [10 CFR 54.22]	___	___
VI.	<u>Environmental Information</u>		
	Application includes a supplement to the environmental report that is in accordance with the requirements of Subpart A of 10 CFR Part 51 [10 CFR 54.23]	___	___

NUCLEAR ENERGY INSTITUTE

Project No. 690

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