

From: Jonathan Rowley
To: David McIntyre; Diane Screnci; Lloyd Subin; Marjorie McLaughlin; Mary Baty; Raymond Powell; Richard Conte
Date: 07/30/2007 4:12:58 PM
Subject: comm. plan for comment

Please review and comment on the attached comm plan that addresses the extension of the VY LRA review schedule.

Planning to formalize this on Tuesday.

Mail Envelope Properties (46AE464A.AE7 : 12 : 35182)

Subject: comm. plan for comment
Creation Date 07/30/2007 4:12:58 PM
From: Jonathan Rowley
Created By: JGR@nrc.gov

Recipients	Action	Date & Time
nrc.gov OWGWPO01.HQGWDO01 PM	Delivered	07/30/2007 4:13:08
MCB1 (Mary Baty) PM	Opened	07/30/2007 4:28:33
nrc.gov TWGWPO01.HQGWDO01 PM	Delivered	07/30/2007 4:13:09
DTM (David McIntyre) PM	Opened	07/30/2007 4:29:31
nrc.gov TWGWPO02.HQGWDO01 PM	Delivered	07/30/2007 4:13:11
LBS3 (Lloyd Subin) AM	Opened	07/31/2007 8:12:59
nrc.gov kp1_po.KP_DO PM	Delivered	07/30/2007 4:13:22
DPS (Diane Screnci) PM	Opened	07/30/2007 4:13:26
MMM3 (Marjorie McLaughlin) AM	Opened	07/31/2007 6:43:03
RJC (Richard Conte) PM	Opened	07/30/2007 5:16:29
RJP (Raymond Powell) PM	Opened	07/30/2007 4:51:31

Post Office	Delivered	Route
OWGWPO01.HQGWDO01	07/30/2007 4:13:08 PM	nrc.gov
TWGWPO01.HQGWDO01	07/30/2007 4:13:09 PM	nrc.gov
TWGWPO02.HQGWDO01	07/30/2007 4:13:11 PM	nrc.gov
kp1_po.KP_DO	07/30/2007 4:13:22 PM	nrc.gov

Files	Size	Date & Time	
MESSAGE	532	07/30/2007 4:12:58 PM	
TEXT.htm	410		
Mini Comm Plan for VY SER delay.wpd PM		32285	07/30/2007 4:06:42

Options

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Return Notification:	Send Notification when Opened

Concealed Subject:	No
Security:	Standard

To Be Delivered:	Immediate
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Mini Communications Plan for the Extension of Vermont Yankee Safety Evaluation Report (SER)

DESCRIPTION OF MILESTONE:

The NRC will issue a docketed letter to Entergy stating that the issuance of the final SER for the Vermont Yankee LRA, thus the remainder of the review schedule, will be extended. Target date for issuance of this letter is August 1, 2007.

By letter dated January 25, 2006, the NRC received Entergy's application for license renewal of Vermont Yankee Nuclear Power Station. By letter dated July 30, 2007, Entergy submitted information to the DLR staff to resolve issues identified in the SER with Confirmatory Items dated March 2007 and issues raised during the license renewal inspection. A large quantity of the information appears to require a more detailed review than can be accomplished in two days and still incorporated into the SER by August 1, 2007. Thus that staff informed the applicant that the review schedule for the review of the application will be extended.

KEY MESSAGES ASSOCIATED WITH MILESTONE:

- 1) Original schedule indicated August 1, 2007 as the issuance date for final SER for VY LRA.
- 2) The staff required additional information from the applicant to resolve four confirmatory items related to the scoping of various components that could not be confirmed during the license renewal inspection.
- 3) New and significant information was submitted by the applicant on July 30, 2007. The staff can not review this information, garner a position, modify safety evaluation inputs, and incorporate those inputs into the final SER by August 1, 2007.
- 4) Some of the information in the July 30 letter is inconsistent with docketed information from the applicant in previous letters.
- 5) The extension letter informs that applicant that these inconsistencies have to be fixed. The remaining LRA schedule will be extended a minimum of two months from the date the applicant formally submits a letter addressing the inconsistencies.

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NOTIFICATION SEQUENCE:

Action	Responsible Organization	Time
Early notification to licensee/applicant via conference call	DLR	t - 1 day
Notify OEDO, OPA, OCA, OGC, RGN I of	DLR	t - 1 day
Send Letter	DLR	t = 0
Notify licensee/applicant	DLR	t = 0
Confirm with RGN I, OCA, OPA, OGC, OEDO of sent status	DLR	t = 0
Notify governmental stakeholders	RGN I, SLO, OCA	t = 0
Notify other NGOs	RGN I (Comm Asst.)	t = 0
Issue Press Release	OPA	t + 1 day
Provide EDO Daily Note	DLR	t + 1 day
Update Website	DLR	t + 1 week

Q&AS ANTICIPATED FOR THIS MILESTONE:

1. Has the NRC staff ever rejected an application and if not, why isn't license renewal just a rubber stamp.

Ans: The NRC has published clear guidelines and requirements for any applicant that wishes to submit an application for license renewal. If during the acceptance review, the staff determines that an LRA does not include the information required by governing regulations in Parts and 51 and 54, the NRC notifies the applicant of the acceptance issue; the applicant then typically has an opportunity to either supplement or amend its application with the required information, or withdraw the application.

During the history of the license renewal program, there was one instance where the NRC returned an application due to the lack of quality and quantity of information for the staff to begin a formal review. In another instance, the NRC staff suspended the license renewal process, with the applicant's acknowledgment, until supplemental information was provided.

2. What does it take for NRC staff to reject an application?

Ans: The NRC has published clear guidelines and requirements for any applicant that wishes to submit an application for license renewal. If during the acceptance review, the staff determines that an LRA does not include the information required by governing regulations in Parts and 51 and 54, the NRC notifies the applicant of the acceptance issue; the applicant then typically has an opportunity to either supplement or amend its application with the required information, or withdraw the application. In the case where an application is overwhelmingly lacking in the required information to begin a formal review, the NRC could return an application.

3. Is this the first time the NRC has deviated from its normal license renewal review timeframe of 22 months if there is no hearing or 30 months if there is a hearing? And having done so in this case, will the NRC be willing to alter the review period with future applications?

Ans: The 22-month time frame is a performance measure for timely review of an application (noted as a comment in SRM-02-0036 for the FY2004-2005 budget) and is the number reported to congress. The staff has deviated from the 22-month schedule with the Susquehanna LR review due to the applicant's pending application for an extended power uprate. The NRC staff expects that any deviation will be treated on a case-by-case basis depending on the circumstance and possible discussions with the applicant.

4. Where are the regulations for license renewal found?

Ans: The regulations for license renewal are initially published in the Federal Register and then included in the Code of Federal Regulations (CFR). The CFR is a codification of the general and permanent rules published in the Federal Register by the executive

departments and agencies of the Federal Government. It is divided into 50 "titles", which represent broad areas subject to Federal regulation. Each title is divided into chapters, which usually bear the name of the issuing agency. The NRC's regulations are found in Title 10 (10 CFR). Each chapter is further subdivided into "Parts" covering specific regulatory areas.

The regulations related to the renewal of licenses are found in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," and in 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants."

5. How does the NRC conduct its review of a license renewal application?

Ans: For each application, the license renewal process includes two reviews: an environmental review and a safety review. The NRC regulations covering these reviews are found in 10 CFR Part 51 and 10 CFR Part 54 for the environmental and safety reviews, respectively. When an applicant submits a license renewal application to the NRC, the application must contain technical information and evaluations of the environmental and safety issues discussed in the NRC's guidance documents. The NRC reviews the information submitted in the application and requests additional information from the applicant as needed. The NRC teams (comprising NRC staff and contractor personnel) visit the site to conduct audits of environmental and safety records, to conduct interviews with offsite and licensee representatives, to observe operating practices, and to develop an independent assessment. The environmental review also includes an opportunity for input from the public. Given this information, the NRC staff determines whether there is reasonable assurance that the plant can be operated during the period of extended operation without undue risk to the health and safety of the public and to the environment.

6. What defines NRC's review of a license renewal application?

Ans: The NRC's review is based on the regulations published in the Code of Federal Regulations (10 CFR Parts 51 and 54); however, the NRC provides guidance for the information needed in the applications and for the methods used to conduct the review in sets of NRC documents for safety and environmental issues:

Safety Review

- Code of Federal Regulations – The scope of the safety review is based on the regulations provided in 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants."
- Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses (Regulatory Guide 1.188) – This document outlines the format and content to be used by the applicant to discuss the safety-related aspects of its license renewal application. It defines the information the licensee must include in the application, which the NRC staff then reviews.
- Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants (NUREG-1800) – This is the outline for the NRC's review of the safety-related issues. The safety review results in a safety evaluation report that is made available for public review.

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- Inspection manual chapters (MCs), inspection procedures (IPs) and temporary instructions (TIs) – MCs, IPs and TIs were written for the NRC staff; they guide the staff in conducting inspections to ensure that licensees meet the NRC's regulatory requirements. For example, the IP, License Renewal Inspections, 71002, provides the procedures for inspecting and verifying the documentation, implementation, and effectiveness of the programs and activities associated with an applicant's license renewal program. Policy and Guidance for License Renewal Inspection Programs, MC-2516, provides guidance to NRC staff for review and inspection activities.
- Generic Aging Lessons Learned (GALL) Report – represents an evaluation that documents which generic existing programs should be augmented for license renewal and which generic programs adequately manage aging effects without change.

Environmental Review

- Code of Federal Regulations – The scope of the environmental review is based on the regulations provided in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."
- Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses (Supplement 1 to Regulatory Guide 4.2) – This document outlines the format and content to be used by the applicant to discuss the environmental aspects of its license renewal application. It defines the information the applicant must put in the application, which the NRC staff then reviews.
- Standard Review Plan for Environmental Reviews for Nuclear Power Plants – Supplement 1: Operating License Renewal (NUREG-1555, Supplement 1) – This is the outline for the NRC's review of the environmental issues. The review results in a site-specific supplement to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437 (GEIS).

POINTS OF CONTACT:

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