

July 20, 2001

The Honorable Richard A. Meserve  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

SUBJECT: RECOMMENDATION ON THE NEED TO REVISE 10 CFR PART 54,  
"REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR  
NUCLEAR POWER PLANTS"

Dear Chairman Meserve:

During the 484<sup>th</sup> meeting of the Advisory Committee on Reactor Safeguards, July 11-13, 2001, we heard presentations by and held discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI) regarding the need to revise 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," to resolve generic technical issues associated with license renewal. We also discussed this matter during our 483<sup>rd</sup> meeting on June 6-8, 2001. During our review, we had the benefit of the documents referenced.

#### Recommendation

10 CFR Part 54 is effective and efficient. It does not need to be revised at this time.

#### Discussion

In a Staff Requirements Memorandum (SRM) dated August 27, 1999, regarding SECY-99-148, "Credit for Existing Programs for License Renewal," the Commission asked the staff to prepare a detailed analysis and provide recommendations on whether it would be appropriate to resolve generic technical issues, including any credit for existing programs, by rulemaking. These recommendations were to be based on the accumulation of more data from license renewal applications of different designs and on experience gained from reviewing more applications.

Since the SRM was issued, the staff has reviewed license renewal applications for three pressurized water reactor plants and renewed their licenses. We have reviewed and commented on the Safety Evaluation Reports (SERs) associated with these applications. On the basis of our review, we believe that the license renewal process developed by the staff, with feedback from stakeholders, under the current rule is effective. This process is documented in a set of guidance documents: Generic Aging Lessons Learned (GALL) report, Standard Review Plan, and Regulatory Guide 1.188 that endorses NEI 95-10, Revision 3, "Industry Guideline for Implementing the Requirements of 10 CFR Part 54 – The License Renewal Rule."

These guidance documents incorporate the resolution of technical issues, such as credit for existing programs, thus making the license renewal process understandable and predictable. Future updates of the guidance documents will provide the means for incorporating the resolution of remaining outstanding technical issues without amending the rule. Although review of the first boiling water reactor application for Hatch, Units 1 and 2, has not been completed, resolution of the open items in the interim SER does not appear to require rulemaking.

License renewal applications and their reviews have become increasingly efficient with subsequent applications. We expect them to become even more efficient when licensees endorse the approaches suggested by the now-approved guidance documents. Avoiding rulemaking at this time will further stabilize the existing process and facilitate the submittal and review of future applications.

Sincerely,

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George E. Apostolakis  
Chairman

#### References

1. Memorandum dated August 27, 1999, from Annette L. Vietti-Cook, Secretary, to William D. Travers, Subject: SECY-99-148 - Credit for Existing Programs for License Renewal.
2. Letter dated June 4, 2001, from Douglas J. Walters, Nuclear Energy Institute, to Christopher I. Grimes, Office of Nuclear Reactor Regulation, NRC, Subject: License Renewal Rulemaking.
3. Letter dated June 26, 2001, from David Lochbaum, Union of Concerned Scientists, to Christopher I. Grimes, Office of Nuclear Reactor Regulation, NRC, Subject: License Renewal Rulemaking.
4. Letter dated April 13, 2001, from George E. Apostolakis, Chairman, ACRS, to Richard A. Meserve, Chairman, NRC, Subject: Proposed Final License Renewal Guidance Documents.
5. Letter dated November 15, 2000, from Dana A. Powers, Chairman, ACRS, to Richard A. Meserve, Chairman, NRC, Subject: License Renewal Guidance Documents.
6. U. S. Nuclear Regulatory Commission, NUREG-1800, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," dated March 1, 2001.
7. U. S. Nuclear Regulatory Commission, NUREG-1801, Vols. 1 and 2, "Generic Aging Lessons Learned (GALL) Report," dated March 1, 2001.
8. U. S. Nuclear Regulatory Commission, Regulatory Guide 1.188, "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses," March 2001.
9. Nuclear Energy Institute, NEI 95-10, Revision 3, "Industry Guideline for Implementing the Requirements of 10 CFR Part 54 - The License Renewal Rule," March 2001.
10. U. S. Nuclear Regulatory Commission, "Safety Evaluation Report With Open Items Related to the License Renewal of Edwin I. Hatch, Units 1 and 2," February 2001.