

April 4, 2003

Mr. William Arguto
NEPA Team Leader
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: RESPONSE TO U.S. ENVIRONMENTAL PROTECTION AGENCY COMMENTS
ON THE ENVIRONMENTAL IMPACT STATEMENTS FOR LICENSE RENEWAL
FOR THE SURRY AND NORTH ANNA POWER STATIONS

Dear Mr. Arguto:

The U.S. Nuclear Regulatory Commission (NRC) published the final environmental impact statements (EISs) for license renewal for the Surry and North Anna Power Stations in December 2002. These EISs were Supplements 6 and 7 to the NRC's Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437 (GEIS). In letters dated January 10, 2003, the U.S. Environmental Protection Agency (EPA) stated that it concurred with the NRC staff's analyses of the environmental impacts as they relate to the alternatives discussed in the EISs.

However, in your letters you also raised a question related to the timing of the license renewal reviews. Both letters were similar and what follows is a quote from the letter regarding the EIS for Surry Power Station:

The programmatic process for license renewal for this power plant and others covered in the Generic EIS allows for a large time lapse from license application to license renewal. Is there an opportunity to revisit some conclusions, especially those issues that may be associated with uncertainties, or issues that may have changed over time as the renewal period approaches approximately 15 years from this review process? Issues where technologies may advance, such as fuel cell development or storage of spent fuel is further defined, could alter some of the conclusions in the report.

In establishing the licensing framework for license renewal, the staff issued the GEIS and the conclusions therefrom were codified at 10 CFR Part 51 (see Table B-1). The NRC's review is focused on the impacts associated with the licensing action as they are understood at the time of the action and there are no provisions for revisiting the assessment of environmental impacts at a later date, absent an additional licensing action. Nevertheless, plants licensed for up to 40 years, either as part of the original license to operate or as part of the subsumed (renewed) license, still need to comply with environmental requirements during the period of operation. The decisions regarding the duration of the license or renewed license were resolved as part of the Atomic Energy Act or by the NRC, depending on the type of license.

At the time of the license renewal licensing action, the staff's NEPA review is obliged to consider reasonable alternatives to that action; for example, alternative energy sources to the extent that they can provide equivalent baseload capacity are considered. Additionally, the NRC supports the general view suggested by EPA that we revisit the conclusions that would be used as the basis for licensing decisions in light of changes that may occur over time. At the time the NRC promulgated the rule, the Commission indicated its intent to review the material in Table B-1 on a 10-year cycle. The staff plans to initiate the update this year in order to meet the 2006 update cycle. Therefore, should new technologies develop in the marketplace or should our understanding of spent fuel storage change, then the conclusions in the GEIS may change and could form the bases for a rule change.

If you have any questions or need more information regarding this matter, please contact James Wilson, Senior Project Manager, at 301-415-1108.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket Nos.: 50-280, 50-281, 50-338, and 50-339

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*See previous concurrence

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