

November 26, 2004

Mr. James Connaughton, Chair
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, NW
Washington, DC 20503

Mr. Connaughton:

Enclosed please find the U.S. Nuclear Regulatory Commission's (NRC) fifth bi-annual report regarding all Environmental Impact Statements and Environmental Assessments begun during the six month period between March 1, 2004 and August 31, 2004. Updated information for the previous reports covering the twenty-four months period from March 1, 2002 to February 29, 2004 is also provided and highlighted as requested.

We appreciate the opportunity to continue providing information on this matter. If you need further information from the NRC, please contact me at (301) 415-3340 or Mr. Osiris Siurano of my staff at 301-415-2307 or E-mail: OSP@NRC.GOV.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

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***See previous concurrence.**

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**Fifth Report to the Council on Environmental Quality
on Cooperating Agency (CA) Status covering**

March 1, 2002 to August 31, 2002
September 1, 2002 to February 28, 2003
March 1, 2003 to August 31, 2003
September 1, 2003 to February 29, 2004
March 1, 2004 to August 31, 2004

I. Environmental Impact Statements Begun March 1, 2002 to August 31, 2002
(Please add and **highlight** any updated information)

Title of EIS: a. Ft. Calhoun License Renewal b. Robinson License Renewal c. Spent Fuel Storage Facility	Title: a. Supplement 12 to NUREG 1437 on License Renewal b. Supplement 13 to NUREG 1437 on License Renewal c. Foster Wheeler's Proposed Idaho Spent Fuel Storage Facility
Potential CAs	(Name of potential CAs) NONE
Invited CAs	(Name of Potential CA and basis - identify the jurisdiction by law or special expertise) NONE
Agency Requesting CA Status	(Name of Potential CA and basis - identify the jurisdiction by law or special expertise) NONE
CAs	(Name of CA engaged in the EIS) NONE
CA Status not Initiated or Ended	(e.g., name of agency - reason status was not initiated or was ended) N/A

I. **Environmental Impact Statements Begun March 1, 2002 to August 31, 2002**
(Please add and **highlight** any updated information)

Status of EIS	
a. Ft. Calhoun License Renewal 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	a. Ft. Calhoun License Renewal 1. 01/11/2002 2. 01/06/2003 3. 08/11/2003 4. 11/04/2003
b. Robinson License Renewal 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	b. Robinson License Renewal 1. 06/17/2002 2. 05/05/2003 3. 12/12/2003 4. 04/19/2004
c. Spent Fuel Storage Facility 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	c. Spent Fuel Storage Facility 1. Notice of Intent published on 07/26/2002 2. 07/02/2003 3. 03/05/2004 4. N/A

Environmental Assessments Begun March 1, 2002 to August 31, 2002
(Please add and **highlight** any updated information)

	Total
Number of EAs started during reporting period	85
Number of EAs involving potential CAs	1
Number of EAs where agencies were invited to participate	1
Number of EAs where agencies requested CA status	0
Number of EAs where a CA status was not initiated or was ended for the reasons identified:	84
Lack of Special Expertise and/or Authority	
Number of EAs involving CAs begun and ongoing during the reporting period	0

Number of EAs involving CAs begun and completed during the reporting period	1
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II. Environmental Impact Statements Begun September 1, 2002 to February 28, 2003
(Please add and highlight any updated information)

Title of EIS: a. Control of the Disposition of Solid Material b. R.E. Ginna License Renewal c. V.C. Summer License Renewal d. Quad Cities License Renewal e. Dresden License Renewal	Title: a. EIS for rulemaking on the Control of the Disposition of Solid Material (also known as the Clearance EIS) b. Supplement 14 to NUREG 1437 on License Renewal c. Supplement 15 to NUREG 1437 on License Renewal d. Supplement 16 to NUREG 1437 on License Renewal e. Supplement 17 to NUREG 1437 on License Renewal
Potential CAs a. EPA, CRCPD, OAS, DOE b. None c. None d. None e. None	(Name of potential CAs) a. Environmental Protection Agency, The Conference of Radiation Control Program Directors, Inc. (CRCPD), Organization of Agreement States (OAS), Department of Energy b. None c. None d. None e. None
Invited CAs a. EPA, CRCPD, OAS, DOE b. None c. None d. None e. None	(Name of Potential CA and basis - identify the jurisdiction by law or special expertise) a. Environmental Protection Agency - special expertise CRCPD/OAS - special expertise, Department of Energy - special expertise b. None c. None d. None e. None
Agency Requesting CA Status a. None b. None c. None d. None e. None	(Name of Potential CA and basis - identify the jurisdiction by law or special expertise) a. None b. None c. None d. None e. None
CAs a. State of MA, DOE and EPA b. None c. None d. None e. None	(Name of CA engaged in the EIS) a. State of Massachusetts (representing CRCPD/OAS), DOE and EPA b. None c. None d. None e. None

II. Environmental Impact Statements Begun September 1, 2002 to February 28, 2003
(Please add and highlight any updated information)

<p>CA Status not Initiated or Ended</p> <p>a. To be determined b. None c. None d. None e. None</p>	<p>(e.g., name of agency - reason status was not initiated or was ended)</p> <p>a. To be determined b. None c. None d. None e. None</p>
<p>Status of EIS</p> <p>a. Control of the Disposition of Solid Material</p> <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published <p>b. R.E. Ginna License Renewal</p> <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published <p>c. V.C. Summer License Renewal</p> <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published <p>d. Quad Cities License Renewal</p> <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published <p>e. Dresden License Renewal</p> <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	<p>a. Control of the Disposition of Solid Material</p> <ol style="list-style-type: none"> 1. FRN notice of intent published Feb 28, 2003 2. Scheduled for Summer 2005 3. N/A 4. N/A <p>b. R.E. Ginna License Renewal</p> <ol style="list-style-type: none"> 1. 08/01/2002 2. 06/25/2003 3. 01/23/2004 4. 05/19/2004 <p>c. V.C. Summer License Renewal</p> <ol style="list-style-type: none"> 1. 08/06/2002 2. 7/11/2003 3. 02/25/2004 4. 04/23/2004 <p>d. Quad Cities License Renewal</p> <ol style="list-style-type: none"> 1. 01/03/2003 2. 11/04/2003 3. 06/29/2004 4. 10/28/2004 <p>e. Dresden License Renewal</p> <ol style="list-style-type: none"> 1. 01/03/2003 2. 12/02/2003 3. 06/29/2004 4. 10/28/2004

Environmental Assessments Begun September 1, 2002 to February 28, 2003
(Please add and **highlight** any updated information)

Total

Number of EAs started during reporting period	52
Number of EAs involving potential CAs	0
Number of EAs where agencies were invited to participate	0
Number of EAs where agencies requested CA status	0
Number of EAs where a CA status was not initiated or was ended for the reasons identified: Lack of Special Expertise and/or Authority	52
Number of EAs involving CAs begun and ongoing during the reporting period	0
Number of EAs involving CAs begun and completed during the reporting period	0

III. Environmental Impact Statements Begun March 1, 2003 to August 31, 2003
(Please add and **highlight** any updated information)

Title of EIS: a. None	Title: a. None
Potential CAs a. None	(Name of potential CAs) a. None
Invited CAs a. None	(Name of Potential CA and basis- identify the jurisdiction by law or special expertise) a. None
Agency Requesting CA Status a. None	(Name of Potential CA and basis- identify the jurisdiction by law or special expertise) a. None
CAs a. None	(Name of CA engaged in the EIS) a. None
CA Status not Initiated or Ended a. None	(e.g., name of agency - reason status was not initiated or was ended) a. None
Status of EIS N/A	

III. <u>Environmental Assessments Begun March 1, 2003 to August 31, 2003</u> (Please add and highlight any updated information)		Total
Number of EAs started during reporting period		64
Number of EAs involving potential CAs		0
Number of EAs where agencies were invited to participate		0
Number of EAs where agencies requested CA status		0
Number of EAs where a CA status was not initiated or was ended for the reasons identified: Lack of Special Expertise and/or Authority		64
Number of EAs involving CAs begun and ongoing during the reporting period		0
Number of EAs involving CAs begun and completed during the reporting period		0

IV. Environmental Impact Statements Begun September 1, 2003 to February 29, 2004
 (Please add and **highlight** any updated information)

Title of EIS: a. EIS for the Construction and Operation of a Uranium Enrichment Facility in Eunice, New Mexico b. Joseph M. Farley License Renewal c. Arkansas Nuclear One, Unit 2 License Renewal d. Donald C. Cook License Renewal e. Browns Ferry License Renewal f. Millstone License Renewal g. Point Beach License Renewal h. Nine Mile Point License Renewal i. Exelon Generation Company, LLC, Application for Clinton ESP Site j. Dominion Nuclear North Anna, LLC Application for the North Anna ESP Site k. System Energy Resources, Inc. Application for for Grand Gulf ESP Site	Title: a. EIS for the Construction and Operation of a Uranium Enrichment Facility in Eunice, New Mexico b. Supplement 18 to NUREG 1437 on License Renewal c. Supplement 19 to NUREG 1437 on License Renewal d. Supplement 20 to NUREG 1437 on License Renewal e. Supplement 21 to NUREG 1437 on License Renewal f. Supplement 22 to NUREG 1437 on License Renewal g. Supplement 23 to NUREG 1437 on License Renewal h. Supplement 24 to NUREG 1437 on License Renewal i. Draft Environmental Impact Statement for the Exelon Generation Company, LLC, Early Site Permit j. Draft Environmental Impact Statement for the Dominion Nuclear North Anna, LLC, Application for the North Anna ESP Site k. Draft Environmental Impact Statement for the System Energy Resources, Inc., Application for the Grand Gulf ESP Site
Potential CAs a-k. None	
Invited CAs a-k. None	
Agency Requesting CA Status a-k. None	

IV. Environmental Impact Statements Begun September 1, 2003 to February 29, 2004
(Please add and **highlight** any updated information)

CAs a-k. None	
CA Status not Initiated or Ended a-k. N/A	

IV. Environmental Impact Statements Begun September 1, 2003 to February 29, 2004
(Please add and highlight any updated information)

Status of EIS	
a. EIS for the Construction and Operation of a Uranium Enrichment Facility in Eunice, New Mexico <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	a. EIS for the Construction and Operation of a Uranium Enrichment Facility in Eunice, New Mexico <ol style="list-style-type: none"> 1. 02/04/2004 2. 09/02/2004 3. Scheduled for 06/30/2005 4. N/A
b. Joseph M. Farley License Renewal <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	b. Joseph M. Farley License Renewal <ol style="list-style-type: none"> 1. 09/15/2003 2. 08/06/2004 3. Scheduled for 03/2005 4. Scheduled for 07/2005
c. Arkansas Nuclear One, Unit 2 License Renewal <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	c. Arkansas Nuclear One, Unit 2 License Renewal <ol style="list-style-type: none"> 1. 10/15/2003 2. 08/30/2004 3. Scheduled for 04/2005 4. Scheduled for 08/2005
d. Donald C. Cook License Renewal <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	d. Donald C. Cook License Renewal <ol style="list-style-type: none"> 1. 11/03/2003 2. 09/24/2004 3. Scheduled for 05/2005 4. Scheduled for 09/2005
e. Browns Ferry License Renewal <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	e. Browns Ferry License Renewal <ol style="list-style-type: none"> 1. 01/06/2004 2. Scheduled for 12/2004 3. Scheduled for 07/2005 4. Scheduled for 05/2006
f. Millstone License Renewal <ol style="list-style-type: none"> 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published 	f. Millstone License Renewal <ol style="list-style-type: none"> 1. 01/22/2004 2. Scheduled for 12/2004 3. Scheduled for 07/2005 4. Scheduled for 07/2006

V. **Environmental Impact Statements Begun September 1, 2003 to February 29, 2004**
 (Please add and **highlight** any updated information)

Title of EIS:	Title:
g. Point Beach License Renewal 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	g. Point Beach License Renewal 1. 02/26/2004 2. Scheduled for 01/2005 3. Scheduled for 09/2005 4. Scheduled for 12/2005
h. Nine Mile Point License Renewal 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	h. Nine Mile Point License Renewal 1. 05/27/2004 2. Scheduled for 04/2005 3. Scheduled for 12/2005 4. Scheduled for 11/2006
i. Exelon Generation Company, LLC, Application for Clinton ESP Site 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	i. Exelon Generation Company, LLC, Application for Clinton ESP Site 1. 09/25/2003 2. Scheduled for 12/2004 3. Scheduled for 08/2005 4. Scheduled for 08/2006
j. Dominion Nuclear North Anna, LLC Application for the North Anna ESP Site 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	j. Dominion Nuclear North Anna, LLC Application for the North Anna ESP Site 1. 09/25/2003 2. Scheduled for 11/2004 3. Scheduled for 07/2005 4. Scheduled for 06/2006
k. System Energy Resources, Inc. Application for the Grand Gulf ESP Site 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published	k. System Energy Resources, Inc. Application for the Grand Gulf ESP Site 1. 10/21/2003 2. Scheduled for 02/2005 3. Scheduled for 10/2005 4. Scheduled for 10/2006

V. **Environmental Assessments Begun September 1, 2003 to February 29, 2004**
 (Please add and **highlight** any updated information)

Total

Number of EAs started during reporting period	57
Number of EAs involving potential CAs	0
Number of EAs where agencies were invited to participate	0
Number of EAs where agencies requested CA status	0
Number of EAs where a CA status was not initiated or was ended for the reasons identified: Lack of Special Expertise and/or Authority	57
Number of EAs involving CAs begun and ongoing during the reporting period	0
Number of EAs involving CAs begun and completed during the reporting period	0

II. Environmental Impact Statements begun March 1, 2004 to August 31, 2004

<p>Title of EIS: a. EIS for the Construction and Operation of a Uranium Enrichment Facility in Piketon, Ohio 1. Date begun 2. Date Draft Environmental Impact Statement published 3. Date Final Environmental Impact Statement published 4. Date Record of Decision published</p>	<p>Title: a. EIS for the Construction and Operation of a Uranium Enrichment Facility in Piketon, Ohio 1. Notice of intent published on 10/15/04 2. Scheduled for 07/2005 3. Scheduled for 02/2006 4. Scheduled for 01/2007</p>
<p>Potential CAs a. None</p>	<p>(Name of potential CAs) a. None</p>
<p>Invited CAs a. None</p>	<p>(Name of Potential CA and basis- identify the jurisdiction by law or special expertise) a. None</p>
<p>Agency Requesting CA Status a. None</p>	<p>(Name of Potential CA and basis- identify the jurisdiction by law or special expertise) a. None</p>
<p>CAs a. None</p>	<p>(Name of CA engaged in the EIS) a. None</p>
<p>CA Status not Initiated or Ended a. None</p>	<p>(e.g., name of agency - reason status was not initiated or was ended) a. None</p>

VI.

Environmental Assessments begun March 1, 2004 to August 31, 2004

	Total
Number of EAs started during reporting period	13
Number of EAs involving potential CAs	0
Number of EAs where agencies were invited to participate	0
Number of EAs where agencies requested CA status	0
Number of EAs where a CA status was not initiated or was ended for the reasons identified	13
Number of EAs involving CAs begun and ongoing during the reporting period	0
Number of EAs involving CAs begun and completed during the reporting period	0

Examples of reasons CA status was not initiated or why it ended:

1. Lack of special expertise – identify the expertise sought by the lead agency and/or offered by the potential cooperating agency).
2. State, Tribal or local entity lacks authority to enter into an agreement to be a CA.
3. Potential CA unable to agree to participate during scoping and/or throughout the preparation of the analysis and documentation as necessary and meet milestones established for completing the process.
4. Potential or active CA unable or unwilling to identify significant issues, eliminate minor issues, identify issues previously studied, or identify conflicts with the objectives of regional, State and local land use plans, policies and controls in a timely manner.
5. Potential or active CA unable or unwilling to assist in preparing portions of the review and analysis and resolving significant environmental issues in a timely manner.
6. Potential or active CA unable or unwilling to provide resources to support scheduling and critical milestones.
7. Agency unable or unwilling to consistently participate in meetings or respond in a timely fashion after adequate time for review of documents, issues and analyses.
8. CA unwilling or unable to accept the lead agency's decision-making authority regarding the scope of the analysis, including authority to define the purpose and need for the proposed action or to develop information/analysis of alternatives they favor and disfavor.
9. Agency unable or unwilling to provide data and rationale underlying the analyses or assessment of alternatives.
10. Agency releases predecisional information (including working drafts) in a manner that undermines or circumvents the agreement to work cooperatively before publishing draft or final analyses and documents.
11. Agency consistently misrepresents the process or the findings presented in the analysis and documentation.
12. Other. Identify the other.