

PR 1,2,10,19,20,21,25,26,50,51,52,54,55, et. al.
(71FR12781)

(11)

From: Carol Gallagher
To: Evangeline Ngbea
Date: Wed, May 31, 2006 10:50 AM
Subject: Comment letter on Proposed Rule - Licenses, Certifications and Approvals for NPPs

Van,

Attached for docketing is a comment letter on the above noted proposed rule from Frances Neenan that I received via the rulemaking website on 5/30/06.

Her address is:
Frances Neenan
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Carol

DOCKETED
USNRC

May 31, 2006 (12:34pm)

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SECY-02

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From: Carol Gallagher
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Comments on March 13, 2006, Proposed Rule (Part 52, etc.)

Pages	Sections	Comment
12791	52.24	In C.4.d, clarify whether environmental conditions can be placed on an ESP (similar to 50.36b).
12900	52.79(b)	This paragraph starts "If the application for a safety analysis report...". They don't apply for an SAR. It should probably read either "If the application..." or "If the applicant's safety analysis report...".
12793	52.39	In C.4.g, in the last paragraph, it states the proposed revision will be in 52.39(d). It is actually in 52.39(e).
12793 12893 12799 12903	52.39(e) 52.98(g)	In C.4.g and C.6.m, and the referenced rule sections, it talks about requirements related to information requests with a focus on safety information. Is there, or should there be, an equivalent requirement for environmental information?
12793 12901	52.79(b)(3)	In C.6.f and the referenced rule section there is a requirement for COL applicants referencing an ESP to demonstrate that all ESP terms and conditions associated with the FSAR are met. There doesn't appear to be an equivalent requirement for environmental terms and conditions. Should there be?
12824- 12825 12881 12884	51.50(c)(2) & (3) 51.75(c)(2) & (3)	The rule tells applicants to demonstrate the sites are within the parameters (from a previous environmental assessment) and tells the staff what to do if they are. But it doesn't say what to do if the parameters aren't met. This should be added.
12826 12881 12882	51.50(c)(1) 51.71(d)	The rule section says the ER must include information to resolve issues "not considered" in an ESP. But there were some issues that were "considered" but not resolved in the Grand Gulf ESP EIS. It would be better to require information on issues not resolved in the ESP. It looks like 51.71(d) says it better. (Although it talks about "detailed information or analyses that were resolved...". Issues are resolved, not information or analyses.)
12826 12880- 12881	51.50 (c)(1)(iii) 51.71(d) 51.75(c)(1) 51.107(b)	This rule section requires applicants to submit new and significant information on the site or design. But what about changes offsite affecting the environmental impacts. Are these types of new information clearly included? This issue also affects 51.71(d), 51.75(c)(1), and 51.107(b).
12880	51.50(c)	Should the second sentence in this section include the phrase "as modified in this paragraph...", similar to 51.50(b)?
12881	51.53(c)(3)	The change to include holders of a combined license issued before June 30, 1995, appears to be nonsensical. There aren't any.
12882	51.71(d)	This rule section says the staff will determine if there is any "alternative to the site proposed...". Is that really NRC's decision standard? Should this section talk about an obviously superior alternative site instead?
12882	51.71(d)	This rule section refers to a supplemental EIS used for a COL referencing an ESP. I don't think it should be a supplemental EIS because the regulations elsewhere appear to require a complete EIS for a COL. The wording about a supplemental EIS appears elsewhere as well.
12883	51.71(d)	Footnote 3 says that when an impact assessment is "no longer available from the permitting authority...". This makes it sound like it was available, and then withdrawn? I think it should simply read "is not available from...".
12883	51.75(a), (b), and (c)	It isn't clear how fuel cycle impacts are handled if the plant design is outside the bounds of Table S-3 (which essentially all of the new plants are). It says to evaluate on the basis of the impact values set forth in Table S-3. I think the rule should clearly state that Table S-3 is a starting point for analysis, but that for parameters outside the bounds of the table additional analysis is required.
12883	51.75(a), (b), and (c)	I'm not clear why NRC doesn't make any mention of Table S-4 here. Is it only because of the Rn-222 and Tc-99 issue that you're talking about S-3 here?
12884	51.75(c)(1), (2), and (3)	As written, these sections sound like NRC just blindly takes old work and brings it forward. Is that correct? Or does NRC have to determine that previous analyses are applicable?

12885	51.107(b)	This rule section talks about issues "accorded finality under 52.39...". This wording isn't consistent with other sections. It would be better to say "issues resolved in the proceeding on the application for issuance of the early site permit..." to be consistent with 52.39.
12832	Question 9	The proposal in this question for environmental matters does not meet the requirements of NEPA as I read it. In accordance with the revised rule, an EIS is required for a COL. Therefore, in accordance with basic NEPA principles the EIS for the COL must take a "hard look" at all of the issues no matter how recent the preceding EIS may be. So doing an update to the ESP EIS is of little value and the Commission cannot decide that matters addressed in the supplemental EA or EIS "need not be addressed in any combined license proceeding referencing the ESP" and that "there would be no updating of environmental information necessary in the combined license proceeding".
12833	Question 9	The proposal discusses requiring the update application to be submitted either 18 or 24 months before the COL application is submitted. However, looking at your web site it doesn't appear that any of the known ESP/COL application combinations will have 18 months available between the issuance of the ESP and the planned submittal of the COL. For Dominion and Southern the COL application will most likely be submitted BEFORE the ESP is issued. And for Grand Gulf the current schedule would have the COL application submitted less than a year after the ESP is issued. So the entire process doesn't make any sense.