



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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PR 2, 50, 51 and 52
(71FR61329)

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USNRC

November 16, 2006 (3:46pm)

Mr. Barry Zalzman
U.S. Nuclear Regulatory Commission
Office of Nuclear Reactor Regulation
Washington, DC 20555

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Mr. Zalzman:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the Nuclear Regulatory Commission's (NRC) Supplemental Proposed Rule – Licenses, Certifications, and Approvals for Nuclear Power Plants, (10 CFR Parts 2, 50, 51 and 52) - RIN 3150-AG24.

The Atomic Energy Act (AEA) requires the NRC to approve acceptable construction permits to construct or modify production or utilization facilities. The term construction has not been defined in the AEA; NRC is responsible for determining what activities constitute construction. In the proposed rule, NRC is redefining its regulatory definition of construction to include: excavation; subsurface preparation, including driving of piles; installation of foundations, including the placement of concrete; and on-site, in-place fabrication, erection, integration or testing, for any structure, system, or component of a facility required by NRC's rules.

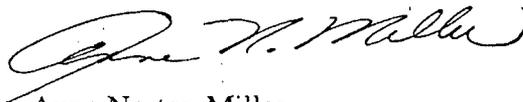
Further, NRC is proposing to amend its regulations for limited work authorizations (LWA), which allow limited construction activities for nuclear power plants to commence before a construction permit or combined license is issued. The intent is to modify the scope of activities that are considered construction requiring a LWA by adding the activities listed above. It is NRC's position that these activities have a reasonable association to radiological health and safety and/or common defense and security. Under the proposed rule, a LWA application must include a safety analysis, an environmental report and a plan for redress of the site to achieve an environmentally stable and aesthetically acceptable site suitable for whatever non-nuclear use conforming to local zoning laws in the event that construction is terminated by the applicant or

denied by NRC. Moreover, the following must be completed prior to NRC actions on a LWA: staff issues a final environmental impact statement; the presiding officer makes the finding whether the requirements of the National Environmental Policy Act (NEPA) have been met; the Director determines that the LWA will provide reasonable assurance of adequate protection to public health and safety; and a determination includes there are no unresolved safety issues relating to the LWA.

We believe that the proposed rule will enhance the efficiency of the NRC's LWA approval process, while maintaining appropriate consideration of environmental effects pursuant to NEPA. Accordingly, we have no objections to the proposed rule.

We appreciate the opportunity to review this proposed rule. The staff contact for the review is Marthea Rountree and she can be reached at (202) 564-7141.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne N. Miller", written in black ink.

Anne Norton Miller
Director
Office of Federal Activities

From: <Rountree.Marthea@epamail.epa.gov>
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Date: Thu, Nov 16, 2006 3:43 PM
Subject: NRC Supplemental Proposed Rule - RIN 3150-AG24

All,

Attached are EPA's comments on NRC's Supplemental Proposed Rule - Licenses, Certifications, and Approvals for Nuclear Power Plants, (10 CFR Parts 2, 50, 51 and 52).

Please do not hesitate to contact me if you have any questions.

(See attached file: NRC-LWA.pdf)

Regards,

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