NEI COMMENTS ON NRC ENVIRONMENTAL PROTECTION PLAN TEMPLATE

I. Environmental Protection Plans Need Not Be License Conditions

While there is regulatory authority for Environmental Protection Plans (EPPs) (see 10 CFR 50.36b, 51.50(c)) and NRC precedent for imposing EPPs, we understand that not all 10 CFR Part 50 reactor operating licenses include EPPs. Additionally, there appears to be no regulatory *requirement* that all NRC combined licenses include an Environmental Protection Plan, [1] and we therefore disagree with the Staff's statement to the contrary.[2] Moreover, EPP format and content varies. We understand that some EPPs take the form of site-specific license conditions or license attachments. In other cases, licensees have amended their operating licenses to remove the original EPP and provide other licensing mechanisms (such as site procedures) for addressing EPP-related commitments.

In sum, for greater flexibility and efficiency, we believe NRC should consider licensing approaches other than license conditions for EPP-related obligations. There appears to be nothing in the NRC's stated objective for the EPP (e.g., to ensure compliance with the Endangered Species Act and inform the Commission of other environmental matters) suggesting that a license condition is the only possible vehicle for achieving licensee compliance with environmental regulatory obligations.

II. The EPP Template Should Be Consistent with Applicable Legal and Regulatory Requirements and Should Be Narrowly Drawn to Achieve NRC's Objectives

The NRC's proposed standardized EPP template for COL holders creates several concerns for the industry. As an initial matter, we believe the EPP should be demonstrably consistent with NRC requirements and the scope of NRC authority over environmental issues. It is difficult to evaluate whether the draft template meets this objective, given the lack of an existing "standard" EPP (for purposes of comparison) and the absence of supporting references. To address this issue, NRC should provide the legal and regulatory basis for each of the EPP provisions. (NRC license conditions require a valid legal and regulatory basis, as do NRC rules, orders and regulatory guidance documents.[3])

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[1] 10 CFR 51.50(c) provides that COL application Environmental Reports should: "identify procedures for reporting and keeping records of environmental data, and any conditions and monitoring requirements for protecting the non-aquatic environment, proposed for *possible* inclusion in the license as environmental conditions in accordance with Section 50.36b of this chapter.") It is not clear whether this regulatory language encompasses statutory obligations under the Endangered Species Act to the extent that statute addresses the aquatic environment. See also 10 CFR 50.36b(a) (combined licenses "*may include* conditions to protect the environment during construction") and 10 CFR 50.36b(b) (a combined license "*may include* conditions to protect the environment during operation and decommissioning.") (emphases added).

[2] See November 20, 2008, cover memorandum from Mr. H. Brent Clayton (NRC) to Mr. Scott C. Flanders (NRC) transmitting the Environmental Protection Plan draft template, which states: "The EPP is a requirement for combined license applications and would also be part of any combined license."

[3] Historically, when the NRC has imposed new generic requirements via license condition it has done so via rulemaking (e.g., 10 CFR 50.54, 50.55, 50.55a).

Specifically, we ask that the Staff clarify the NRC's existing or new obligations under the Endangered Species Act (ESA) that requires a new EPP template. This information would better enable stakeholders to assess whether the template provides the most reasonable and effective mechanism for enforcing the agency's obligation. Additionally, the EPP template should be written as precisely and narrowly as possible to enable the Staff to enforce the Endangered Species Act-related obligations that are presented as the sole focus of the new template. The current version of the EPP is too broadly worded to achieve that objective, and should be re-drafted accordingly.

III. The EPP Template Should Be Revised because It Appears to Create New Reporting Obligations Unique to COL Holders under 10 CFR 50.72 Without Rulemaking

EPP Section 2.1 (Aquatic Resources Issues) provides in part:

> *"Nothing within this EPP shall be construed to place additional requirements on the regulation of aquatic resources except the imposition of the requirements in a Biological Opinion under the ESA (see section 2.3). The licensee is required to inform the NRC of events or situations concerning aquatic resources pursuant to 10 CFR 50.72(b)(2)(xi)."*

The first statement above can be read to impose new regulatory obligations on COL holders in connection with Biological Opinions under the ESA. (Although the template is silent on this matter, it would appear that this and other provisions of the template would not apply to 10 CFR Part 50 reactor licensees.) The second sentence above sets forth a reporting requirement for COL holders under 10 CFR 50.72.

To clarify, Section 50.72(b)(2)(xi) requires licensees to notify the NRC "as soon as practical" and in all cases within four hours of the occurrence of the following:

> "Any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an onsite fatality or inadvertent release of radioactively contaminated materials."[4]

The EPP template, however, can be read to expand the scope of Part 52 reactor licensees' reporting obligations under Section 50.72(b)(2)(xi). Rather than reciting the existing regulatory language that NRC licensees must report within 4 hours: "Any event or situation related to . . . protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made," EPP Section 2.1 references a reporting requirement applicable to all "events or situations concerning aquatic resources." Thus, the template language suggests that *any* event or situation concerning aquatic resources would require a four-hour report.

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[4] NRC guidance in NUREG-1022, Rev. 2, *Event Reporting Guidelines/10 CFR 50.72 and 50.73* (2000) indicates that reports made to the U.S. Fish & Wildlife Service and state agencies under 10 CFR 50.72(b)(2)(xi) regarding endangered species (e.g., a sea turtle found in a circulating water structure trash bar) are appropriate *because a government agency is notified* within the meaning of this regulation.

Similarly, EPP Section 2.2 (Terrestrial Resources Issues) provides in part: "*The licensee shall inform NRC of any events or situations concerning terrestrial resources pursuant to 10 CFR 50.72(b)(2)(xi).*" This new language would appear to broaden the licensee's reporting obligation under Section 50.72(b)(2)(xi) with respect to terrestrial resources. Rather than reciting the existing regulatory obligation for licensees to report within 4 hours "Any event or situation related to . . . protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made," this EPP Section would require reporting of "any events or situations concerning terrestrial resources." Although the ostensible focus of this paragraph is on reporting under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Acts, the last sentence of the EPP section can be read as far more expansive.

In addition to expanding the scope of an existing regulation (or at least creating confusion on this point), EPP Sections 2.1 and 2.2 also suggest that existing NRC regulations provide an adequate legal and regulatory basis for the proposed new notification requirements for COL holders, i.e., that 10 CFR 50.72(b)(2)(xi) already requires the ESA-related reports and notifications that are the focus of the Plan. As shown above, the language of 10 CFR 50.72(b)(2)(xi) undercuts that argument. The EPP template thus appears to incorporate a reinterpretation of NRC regulations that is both substantively incorrect and inconsistent with NRC processes.[5] (Moreover, a rulemaking amending 10 CFR 50.72 would be needed to add the ESA-related notifications set forth in the EPP to that regulation.) The template should be revised to resolve this confusion.

IV. The EPP Template Should Be Revised to Impose More Reasonable Notification Obligations for COL Holders Consistent with NRC Jurisdiction

In our view, the proposed reporting schedule in EPP Sections 2.1, 2.2 and 2.3 for "events or situations" concerning aquatic or terrestrial resources is unnecessarily short. We believe that requiring compliance with such time limits would be unreasonably onerous, given the lack of demonstrated need for such a short turnaround time and the lack of any clear regulatory nexus to public health and safety for the requested 4-hour report. Moreover, Section 50.72(b)(2)(xi) has traditionally been applied in situations of much greater public health and safety or environmental magnitude. (The examples given in the regulation are "an onsite fatality or inadvertent release of radioactively contaminated materials.")[6]

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[5] New or amended NRC requirements such as those that would arguably be created by the EPP's overly-broad interpretation of Section 50.72(b)(2)(xi) reporting obligations should be promulgated through rulemaking or order, which would require NRC to justify the need and legal basis for the rule and allow an opportunity for public comment. If NRC undertakes a rulemaking to broaden Section 50.72(b)(2)(xi), it should also address whether the draft EPP inadvertently proposes inconsistent reporting obligations under Section 50.72(2)(xi) for COL holders versus other NRC licensees.

[6] Moreover, NRC guidance in NUREG-1022, Rev. 2, p. 72, points out that the purpose of the reporting requirement in Section 50.72(b)(2)(xi) is to "ensure the NRC is made aware of issues that will cause heightened public or government concern related to the radiological health and safety of the public or on-site personnel or protection of the environment." Further, "the NRC Operations Center does not need to be made aware of every press release made by a licensee."

Moreover, to the extent that EPP Section 2.3 imposes a new four-hour reporting requirement in the event of (i) discovery of any Federally listed species or critical habitat in an area affected by construction or operation of the plant; (ii) discovery of any take, as defined in the ESA, of a Federally listed species or destruction or adverse modification of critical habitat, the Staff should justify that new requirement. At a minimum, stakeholders are entitled to know the basis for the Staff's proposal to impose stringent new reporting deadlines for occurrences that do not appear comparable to situations typically associated with NRC four-hour report requirements. As a practical matter, a four-hour reporting clock also may be problematic because it would not allow sufficient time to confirm the identification of the previously unknown species—which could require support from outside the station or even outside of the company, and require hours or days to complete.[7] Further, the proposed notification schedule would not appear to provide any attendant benefit to the NRC that could not be provided by a somewhat longer licensee response time. On a related point, allowing licensees more than four hours to complete these activities should not compromise the NRC's ability to uphold its obligations under the ESA.

We propose that NRC replace the proposed four-hour report with a directive that COL holders report to the NRC information concerning resources related to a Biological Opinion under the ESA *at the same time that it reports such occurrences to the other Federal agency or agencies with jurisdiction to enforce the ESA*. Similarly, reports relating to "events or situations" involving terrestrial resources should be submitted to the NRC *at the same time* the COL holder reports to the agency with jurisdiction over the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Acts. Moreover, the reporting mechanism set forth in the EPP should be as simple as possible. (Ideally, the NRC Staff should simply receive a copy of the information submitted to the jurisdictional Federal agency.) In our view, NRC has not justified the much more burdensome reporting program proposed in the EPP.

As drafted, EPP Section 2.3 also is deficient in that the terms "Unusual Event" and "unusual occurrence" are undefined. Under NRC regulations, an "unusual event" has established meanings that would not necessarily apply in this context.[8] Similarly, the meaning of "discovery" in this context also should be defined, since that term has a distinctive meaning in the context of NRC reporting requirements that should not necessarily apply here. In connection with ESA-related activities, it would appear more reasonable to define "discovery" as the positive identification or confirmation of a species (with respect to occurrence or take) by an individual qualified by education or experience, or recognition by the licensee of a *Federal Register* notice the Secretary of the Interior regarding the status of a listed species or critical habitat. For the purpose of this Subsection, NRC should also define "an area affected by construction or routine operation," [9] and should specify that, with the exception of requirements

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[7] We understand that the incidental take statement will contain specific reporting requirements. Thus, reporting to the NRC should not be performed until the analysis required under the incidental take statement is completed and the information provided to the responsible federal or state regulator such as the National Marine Fishery Service.

[8] See, e.g., 10 CFR 50.47(b); 10 CFR Part 50, App. E.IV.B, and NUREG-0654.

[9] For the purpose of this Subsection, "an area affected by construction or routine operation" could, for example, be defined as a geographic location or area for which non-radiological ecological impacts were analyzed in Chapter 4 and/or Chapter 5 of the Final Environmental Impact Statement, excepting areas evaluated primarily for Cumulative Impacts.

outlined in a Biological Opinion, no routine monitoring programs are required to implement this condition.

The template language in this section also appears to reflect a departure from previous EPPs and/or Technical Specifications that maintained the distinction between four and 24-hour reports by noting that events not reported under Section 50.72 must be reported within 24 hours of the event, and, further, that duplicate reports need not be created under the 24-hour notification provision if a four-hour report was made. At a minimum, the NRC should preserve the distinction between four and 24-hour reports, and specify that if an event is otherwise reportable under 10 CFR 50.72, no duplicate report under this section is required.

V. The EPP Need Not Be Tied to 10 CFR 50.72 Reporting Obligations To Be Effective

We propose that the EPP not cite 10 CFR 50.72 to justify ESA-related notifications. Reliance on that regulation is not necessary to achieve the Staff's purpose and has created confusion. Re-drafting the EPP to impose reasonable, narrowly drawn notification obligations (and associated time limits and format requirements) without reference to Section 50.72 would simplify the EPP. Importantly, this approach also would avoid the need to consider whether the EPP's notification requirements are already encompassed in Section 50.72 or are an improper attempt to "shoe-horn" new notification obligations for COL holders into 10 CFR 50.72, by characterizing those new requirements as merely extensions of existing ones. This alternative approach would not require rulemaking.[10] Further, removing the link between the EPP and Section 50.72(b)(2)(xi) need not constrain the NRC's ability to enforce its obligations under the ESA.

Instead, the EPP should simply require notifications coextensive with NRC licensees' current duty to report ESA-related events to the Federal agency or agencies with jurisdiction over the ESA, and coextensive with the schedule for such non-NRC reports. Our goal is to ensure that any EPP reporting obligations are reasonable and narrowly drawn, are co-extensive with NRC licensees' other reporting obligations under the ESA to the extent possible, and clearly support the underlying regulatory purpose.

VI. Additional Comments and Proposed Re-Write of EPP Sections

- Section 1.0 (Objective of the Environmental Protection Plan) [11]

The first sentence of EPP Section 1.0 relating to the scope of the EPP implies that outside of the terms of the EPP, there is no regulatory mechanism to ensure compliance with "Biological Opinions issued pursuant to the Endangered Species Act of 1973." This statement is confusing

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[10] This approach also should resolve the regulatory inconsistency that would be created if the EPP template were to impose different notification obligations on Part 52 COL holders than for Part 50 reactor licensees (if, as we understand, the Staff does not anticipate subjecting Part 50 NRC reactor licensees to the expanded reporting requirement imposed by the EPP, but only Part 52 licensees).

[11] Existing text that we propose be deleted is struck through. New text that we propose to add appears bolded and in brackets.

and, in any event, does not appear to justify imposition of a license condition. If in fact NRC regulations currently encompass this obligation (an interpretation suggested by the reference to Section 50.72 in the EPP draft), then NRC licensees, including COL holders, are already required to meet applicable ESA requirements and the need for this provision is not clear. If no regulations currently cover this notification obligation, then the EPP should be as narrowly drawn as possible, consistent with the obligation of the NRC and NRC licensees to report certain information pursuant to the ESA. (We welcome clarification on the latter point.)

Additionally, the Section 1.0 language regarding the need to "ensure that the Commission is kept informed of other environmental matters" is quite broad, and should be either deleted or modified to make clear that the language applies only those environmental matters over which the NRC has jurisdiction to regulate or an obligation to report. Finally, it is unclear why an NRC environmental protection plan needs to refer to state and local requirements, over which the Commission lacks jurisdiction.

We propose that EPP Section 1.0 be revised to read as follows:

*"The Environmental Protection Plan (EPP) objective is to ensure compliance with Biological Opinions issued pursuant to the Endangered Species Act of 1973, as amended (ESA), and to ensure that the Commission is kept informed of other environmental matters [**within NRC's jurisdiction that require affirmative NRC licensee notifications to other Federal agencies**.] The EPP is intended to be consistent with Federal, ~~state and local~~ requirements for environmental protection."*

- Section 2.0 (Environmental Protection Issues)

We propose that EPP Section 2.0 be revised to read as follows:[12]

"In the Final Environmental Impact Statement (FEIS) dated [xxxxx] the staff considered the environmental impacts associated with the construction and operation of [plant name] Unit No. [x]. This EPP applies to the licensee's actions affecting the environmental resources evaluated in the FEIS. ~~and the licensee's actions that may affect any newly discovered environmental resources."~~

- Section 2.1 (Aquatic Resources Issues)

We propose that EPP Section 2.1 be revised to read as follows:

"Federal agencies other than the U.S. Nuclear Regulatory Commission (NRC), such as the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (ACE),

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[12] The language in EPP Section 2.0 regarding licensee actions "that may affect any newly discovered environmental resources" seems unnecessarily broad, and would apparently give the Staff unlimited authority to re-visit a previous NEPA-based evaluation of environmental impacts. A related concern is that this language, if included at all, should encompass only those environmental matters as to which the Commission (i) has jurisdiction to regulate and (ii) is authorized to require copies of licensee notifications. This language should accordingly be revised or deleted.

*have jurisdiction to regulate aquatic resources under the Federal Water Pollution Control Act (Clean Water Act or CWA) and the Rivers and Harbors Appropriation Act of 1899 (RHA). Water quality environmental concerns identified in the FEIS including effluent limitations, monitoring requirements, and mitigation measures are regulated under the licensee's CWA permits, such as National Pollutant Discharge Elimination System (NPDES) and Section 404 permits, and RHA Section 10 permit. Nothing within this EPP shall be construed to place additional requirements on the regulation of aquatic resources except the imposition of the requirements in a Biological Opinion under the ESA (see section 2.3) [**upon COL holders**]. ~~The licensee is required to inform the NRC of events or situations concerning aquatic resources pursuant to 10 CFR 50.72(b)(2)(xi).~~ [**To the extent an event or situation concerning aquatic resources occurs for which a news release is planned or notification to other government agencies has been or will be made, the licensee shall so inform the NRC consistent with NRC regulations in 10 CFR 50.72(b)(2)(xi). If an event or situation concerning aquatic resources occurs that is not required to be reported under that provision, the licensee is expected to inform the NRC only to the same extent, and on the same schedule, that it is required to report such events or situations to the federal agency with jurisdiction or permitting authority over those events or conditions. In the latter case, submitting to the NRC an electronic copy of the licensee's notification to the jurisdictional agency is sufficient to meet this obligation.]***

- EPP Section 2.2 (Terrestrial Resources Issues)

We propose that EPP Section 2.2 be revised to read as follows:

Several statutes govern the regulation of terrestrial resources. For example, the U.S. Fish and Wildlife Service (FWS) regulates matters involving migratory birds and their nests in accordance with the Migratory Bird Treaty Act. Activities affecting migratory birds or their nests may require permits under the Migratory Bird Treaty Act. The FWS also regulates matters involving the protection and taking of bald and golden eagles in accordance with the Bald and Golden Eagle Protection Acts. ~~The licensee shall inform NRC of any events or situations concerning terrestrial resources pursuant to 10CFR50.72(b)(2)(xi).~~ ***[To the extent an event or situation concerning terrestrial resources occurs for which a news release is planned or notification to other government agencies has been or will be made, the licensee shall so inform the NRC consistent with NRC regulations in 10 CFR 50.72(b)(2)(xi). If an event or situation concerning terrestrial resources occurs that is not required to be reported under that provision, the licensee is expected to inform the NRC only to the same extent, and on the same schedule, that it is required to report such events or situations to the federal agency with jurisdiction or permitting authority over those events or conditions. In the latter case, submitting to the NRC an electronic copy of the licensee's notification to the jurisdictional agency is sufficient to meet this obligation.]***

Section 2.3 (Endangered Species Act of 1973)

We propose that EPP Section 2.3 be revised to read as follows:[13]

*~~"The NRC may be required to protect some aquatic resources and terrestrial resources in accordance with the ESA. If a Biological Opinion is issued to the NRC in accordance with ESA Section 7 prior to the issuance of the combined license, the licensee shall comply with the Terms and Conditions set forth in the Incidental Take Statement of the Biological Opinion.~~[14] If any Federally listed species or critical habitat occurs in an area affected by construction or operation of the plant that was not previously identified as occurring in such areas, including species and critical habitat that were not previously Federally listed, the licensee [**shall copy the NRC on any notifications required to the appropriate jurisdictional agencies**] ~~shall inform the NRC within four hours of discovery~~. Similarly, the licensee shall [**shall copy the NRC on any notifications required to the appropriate jurisdictional agencies**] ~~shall inform the NRC within four hours~~ of discovery of any take, as defined in the ESA, of a Federally listed species or destruction or adverse modification of critical habitat. [**These notifications shall be made by including the NRC on electronic distribution of the notification that the licensee provides to the jurisdictional federal agency**.] ~~to the NRC Operations Center via the Emergency Notification System~~. The licensee shall provide any necessary information to the NRC if the NRC initiates consultation under the ESA.*

*Unusual [**ESA-related**] Event - The licensee [**shall include the NRC on distribution for any notifications required to be made to the appropriate jurisdictional agencies in connection with**] ~~shall inform the NRC of~~ **any onsite mortality, injury, or unusual occurrence of any species protected by the ESA, to the extent such events trigger the reporting obligation set forth in 10 CFR 50.72(b)(2)(xi).]** ~~within four hours of discovery, followed by a written report in accordance with Section 4.1. Such incidents shall be reported regardless of causal relation to plant construction or operation.~~"]*

[13] We suggest deleting the first sentence in EPP Section 2.3 because it suggests an essentially unlimited reading of the NRC's jurisdiction to "protect some aquatic and terrestrial resources in accordance with the ESA." We propose deleting the second sentence because it is confusing and would appear to impose compliance obligations in connection with a Biological Opinion issued before the COL is issued – at a point in time before the EPP exists. Finally, no regulatory basis has been provided to require NRC licensees to report ESA-related events "regardless of causal relation to plant construction or operation."

[14] It would be useful if the NRC would clarify whether or not this sentence reflects current law.

- Section 3.0 (Consistency Requirements)

We propose that EPP Section 3.0 be revised to read as follows:[15]

*"The licensee shall notify the NRC of proposed changes to [**certain key**] permits or certifications concerning aquatic or terrestrial resources [substitute a specific list of permits and certifications if available] by providing the NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC with a copy of the application for renewal of [**this subset of**] permits or certifications at the same time the application is submitted to the permitting agency.*

*Changes to or renewals of [**this subset of the licensee's**] permits or certifications shall be reported to the NRC within 30 days following the later of the date the change or renewal is approved or the date the change becomes effective. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted."*

- Section 4.0 (Administrative Procedures)
  4.1 Plant Reporting Requirements: Non-routine Reports

We propose that EPP Section 4.1 be revised to read as follows:

*A written report shall be submitted to the NRC within 30 days of occurrence of any unusual event described in Section 2.3 [add Section 2.4 if applicable] of this EPP, [**if such event is causally related to facility construction or operation.**] The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact and plant operating characteristics at the time of the event, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.*

[Events reportable under this subsection, which also require reports to other Federal, state, or local agencies, shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided a copy of such report at the same

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[15] We suggest that the scope of this EPP provision be limited, considering the large numbers of "permits and certifications" that conceivably fit the description given. The EPP does not explain why the NRC needs to receive copies of all proposed changes to all permits or certifications concerning aquatic or terrestrial resources. Additionally, the first paragraph of EPP Section 3.0 contains language that was removed from some existing EPPs in recent years, in recognition of the fact that it would have required the submittal of considerable paperwork of little relevance or importance to the NRC Staff. For example, if the jurisdictional agency (not the NRC) makes revisions to the proposed changes, would the applicant be required to submit those minor changes to the NRC in a second, third, or fourth iteration of application to revise the permit?

time it is submitted to the other agency. (Delete this paragraph if this section only applies to ESA reporting under Section 2.3)]

- Section 4.4 (Changes in Environmental Protection Plan)

We propose that EPP Section 4.4 be revised to read as follows:

*[“**A request for a change in the EPP shall be processed in accordance with 10 CFR 50.59, and**] shall also include an assessment of the environmental impact of the proposed change and supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes.] ~~in the form of a license amendment incorporating the appropriate revision to the EPP~~.*

*[**The licensee shall notify the NRC of any changed**]~~The licensee shall request a license amendment to incorporate the requirements of any~~ Terms and Conditions in the Incidental Take Statement of Biological Opinions issued subsequent to the effective date of this EPP.*

The proposed revisions to Section 4.4 reflect NEI’s view that it is unnecessarily burdensome and time-consuming for both the licensee and the NRC Staff to require an NRC license amendment in connection with any change to an EPP. This practical problem is related to the EPP template’s assumption that all COL holders must have an Environmental Protection Plan that takes the form of a license condition. We would like to discuss with the Staff other possible vehicles, such as using licensee commitment management programs (endorsed by the NRC) for managing and maintaining EPP-related obligations.