

In summary, we do not question Licensee's right to operate under the operating license granted prior to the effective date of NEPA without having been environmentally reviewed. However, to the extent that we are asked to approve a Federal action granting a license amendment for the sole purpose of enabling Licensee to utilize a greater term of the license than would otherwise be possible, we consider the action to have a significant effect upon the environment which must be environmentally reviewed under Section 102(2)(C).^{#/} If such review were to result in a determination that the costs of continued operation over that greater term outweigh the benefits, Licensee's operating license would still be intact and Licensee could continue to operate even over the full term if it could find some manner to operate within the terms of the license that does not require a further major Federal action. As stated by the Licensing Board in LaCrosse, supra, p. 80:

All that an adverse decision in this SFP [spent fuel pool] proceeding could or should do is to prevent the Applicant from undertaking the SFP modification. If DPC [Applicant] found an alternate method of disposing of its spent fuel, an adverse decision in this proceeding could not prevent it from continuing to operate.

IV

The Big Rock Plant does not Stand in the Same Position as an Environmentally Reviewed Post-NEPA Facility.

We do not dispute the Staff's assertion (p. 7) that it

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It is well-established that operation of a nuclear power plant has a significant effect upon the human environment. See, e.g., Calvert Cliffs, supra, 449 F.2d at 1129; Izaak Walton League of America v. Schlesinger, 337 F. Supp. 287 (D.C. 1971). In the Board's opinion, making such operation possible for a period of ten years clearly constitutes a major Federal action and obviates the need to await the Staff's recommendation on this point.