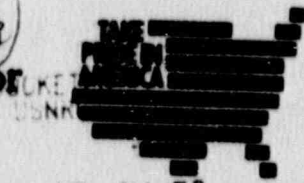




DOCKET NUMBER 2,50454  
PROPOSED RULE (55 FR 29043)

# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



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DOCKETING & SERVICE  
BRANCH

Mr. Samuel J. Chilk  
Secretary of the Commission  
Attention: Docketing and Service Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Chilk:

The Department of the Interior has reviewed the proposed rulemaking for Nuclear Power Plant License Renewal as published in the Federal Register on July 17, 1990, and has the following comments.

### Compliance with Environmental Laws

Upon review of the analyses prepared for the proposed rulemaking, we support the rationale for the proposed action that would establish specific procedures, criteria, and standards for license renewal. However, we recommend that the environmental information requirements be made stronger.

License renewal is an action that should require a supplement or a new environmental impact statement (EIS) for each renewal request. Actions that will result in the increased generation, transportation, storage, and disposal of low level radioactive wastes and which are hazardous for hundreds of years, are actions that have significant impacts on the human environment. Further, changes in the adjacent environment may have occurred during the first operating period that have not previously been analyzed; for example, increased development, designation of new refuges, reintroduction of aquatic species such as anadromous fish, etc.

The proposed requirement for application renewal, Part 2, subsection 2.109(b), allows ample time (3-20 years) for the Nuclear Regulatory Commission (NRC) to carry out the procedural requirements of the National Environmental Policy Act (NEPA) for preparation of a new or supplemental EIS.

### Impacts to Fish and Wildlife Resources

Existing nuclear power plants, particularly those operating with open cycle cooling systems, can affect adjacent fish and wildlife resources through entrainment of fish, thermal discharges, and other releases. Although a generic environmental impact statement will be prepared for the license renewal program, we are very concerned that the "current licensing basis" is proposed for all nuclear power plant license renewals. As we understand the proposal, power plant licenses will be renewed without any changes, except those needed for certain age-related conditions. We advise the documentation prepared for the relicensing of each nuclear plant certify that the plant is operating under its "current licensing basis."

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The proposed use of the current licensing basis for all licensing renewals would appear to preclude timely actions to reduce environmental impacts.

### Specific Comments

Preamble: We recommend that the preamble discuss the relationship of the Nuclear Regulatory Commission (NRC) license renewal process with other Federal and State regulatory actions, particularly those actions required under sections 316(a) and (b) of the Clean Water Act.

Preamble IV.a.(ii): This section describes the principle of continuing the current licensing basis during the renewal term. The current licensing basis is defined to be all NRC requirements and licensee commitments imposed on a plant at the time of initial licensing and all additional requirements imposed subsequent to initial licensing. The assumption is that these requirements have been and will continue to be sufficient to protect the environment.

We question whether this assumption is valid without site-specific analyses. In the years since the power plants were licensed, resource goals for the surrounding environment have changed. Major programs in anadromous fish and waterfowl habitat restoration, as well as new listings of endangered and threatened species and improvements to water quality, have occurred throughout the country in recent years. Operations at some existing nuclear power plants, particularly those with open cycle cooling systems, may be affecting these resources.

If the principle of not changing operations is applied to all license renewals, it would appear that the only alternatives to be analyzed in any environmental documents will be whether to renew or to not renew. Provisions for alternatives which mitigate existing impacts should be included in this process.

Preamble IV.b.(iii): This section presents the rationale for not requiring a finding that a plant is operating under its current licensing basis. The proposed rulemaking assumes that the original NRC finding of compliance after plant construction, as well as subsequent self-inspections by the licensee and periodic oversight by the NRC, are sufficient to establish present compliance. The oversight programs described in this section do not include environmental monitoring. We understand that plant operators are required to collect certain environmental data, but there is no discussion on how these data have been used to assure that plants are operating under their current licensing basis with respect to environmental conditions.

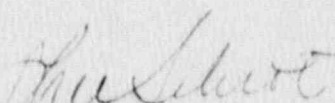
Preamble IV.j.: We recommend that the statement analyze the cumulative impacts of nuclear power plants, along with other types of projects on adjacent water bodies. For example, the impacts to the nearshore fishery due to the large number of nuclear power plants on Lake Michigan should be analyzed. In addition, we recommend that individual environmental impact statements be prepared to analyze site-specific conditions for each power plant.

Preamble V.(2): In response to the question concerning topics involving changes over time that should be added to the review requirements, we recommend the following factors be reviewed, both on-site and in the surrounding area, for the implications on plant operating modes: (1) fish and wildlife resource population changes; (2) Federal and State programs to increase anadromous fish runs and waterfowl habitat; (3) new listings of threatened and endangered species; and (4) environmental areas, such as National Wildlife Refuges or Wild and Scenic Rivers, designated since the power plant was originally licensed, etc.

Draft Rule Section 54.17(e): In the application for license renewal, the applicant will be allowed to reference applications and other documents previously filed with the Commission. To ensure that the Department has the necessary data to complete environmental reviews, we recommend that any referenced information be made available to reviewing agencies upon request. This is particularly important for documents filed 20 to 40 years ago, since agency records may not be complete.

We appreciate the opportunity to provide comments on the proposed rulemaking.

Sincerely,



John E. Schrote  
Deputy Assistant Secretary  
Policy, Management and Budget