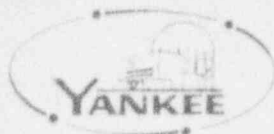


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March 18, 1994
FYC 94-007
SPS 94-022

Mr. Donald P. Cleary
Office of Nuclear Regulatory Research
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Subject: Yankee Atomic Electric Company Comments - 10 CFR Part 51,
Environmental Review for Renewal of Operating License: Public Meeting
and Request for Comments (59 FR 2542, January 18, 1994) - Supplementary
Comments

Dear Mr. Cleary:

Yankee Atomic Electric Company (YAEC) appreciates the opportunity to provide comments on the subject Proposed Rule comment opportunity. Yankee owns the nuclear power plant in Rowe, Massachusetts. Yankee Nuclear Services Division (YNSD) also provides engineering and licensing services for other nuclear power plants in the northeast, including Vermont Yankee, Maine Yankee and Seabrook.

Yankee has been deeply involved in all facets of development of the rules for plant operating license renewal including those for the environmental review. We provided representatives for several panels during the November 1991 public workshop on the 10 CFR Part 51 proposed rule and provided written comments in response to the Proposed Rule Notice, "10 CFR Part 51, Environmental Review for the Renewal of Operating Licenses, Request for Comments" (56 FR 47016) published 9/16/91 and extended 11/26/91 (56 FR 59898). Concurrently, the NRC published NUREG-1437, a draft Generic Environmental Impact Statement (GEIS) that contained the analyses which the NRC proposed to codify in Part 51. Yankee filed comments (FYC 92-004, March 13, 1992) and supported the development of the NUMARC comments filed during the public comment period on the proposed rule, the GEIS, and other related documents.

This letter is intended as a supplement to the comments provided specific to treatment of the Need for Power and Alternatives issues (FYC-94-006 dated March 18, 1994). As evidenced by the history cited above, the NRC embarked over four years ago in the preparation of a GEIS for license renewal with the intent of increasing

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Mr. Donald P. Cleary
March 18, 1994
Page 2

the efficiency of the regulatory process. The original objective of the GEIS was to identify all the potential impacts associated with license renewal and determine which of these impacts could be evaluated generically. The GEIS findings were then to have been codified in the NRC regulations. As stated in 56 FR 47016 (September 17, 1991), by "... assessing and codifying certain potential environmental impacts on a generic basis, no need exists to address these impacts for each future license renewal. The proposed amendments should result in considerable savings to the NRC, the nuclear utility industry, and the nuclear utility ratepayers, while ensuring that the environmental impacts of license renewal are evaluated as required by the NEPA."

We applauded that innovative approach at the time similarly to the endorsement provided by Chairman Selin that this was "... an outstanding example of how we can save licensees a huge amount of time and money without compromising public interest" (NRC Staff briefing on Generic Environmental Impact Statement for License Renewal and Proposed Part 51 Rule, July 19, 1991). Consequently, we were greatly disappointed to see the apparent reversal of this position as the result of private agreements reached between the NRC staff and the Environmental Protection Agency and the Council on Environmental Quality. We urge the NRC to strive to make the best possible use of the GEIS to minimize the number of issues to be addressed on a site-specific basis to those for which the potential exists for a significant impact.

In the September 17, 1991 proposal, the NRC indicated an intention to amend its regulations to eliminate the requirement that the NRC staff must prepare an Environmental Impact Statement (EIS) or a supplemental EIS for every license renewal application. Instead, the amendment would have permitted the NRC staff to prepare an environmental assessment (EA). If no significant environmental impacts were found in the EA, the staff would then issue a "finding of no significant impact," or "FONSI." If a FONSI could not be made, a supplemental EIS would then have been required.

As a result of SECY 93-032 the proposed process is now the old, costly, time-consuming process of repetitive and duplicative EIS's plant by plant for a full range of potential issues. Because, one attribute of the original proposal was to utilize the generic study to conclusively rule out the inconsequential issues that did not need to be addressed on an individual plant basis, a great deal has been lost. This creative approach to achieve efficiency should be re-considered. The public interest is served by conservation of agency resources as much as it is by thorough ventilation of issues of significance.

The NRC position changed based exclusively on the comments received from and subsequent interactions with the EPA and CEQ while apparently ignoring other comments received in favor of the original proposed rule change. The main concern expressed by the EPA and CEQ on this issue was that an EIS would "provide more public participation than typically occurs when environmental assessments are prepared."

Mr. Donald P. Cleary
March 18, 1994
Page 3

(Letter to M. G. Malsch, NRC, from A. N. Miller, CEQ, dated December 31, 1992.) We believe that the NRC has all the flexibility it needs to allow for extensive public participation, without requiring a supplemental EIS for each license renewal application. For example, an EA could be issued in draft form for public comments before the final EA is prepared. The point is that the scope of issues selected, based upon the expert knowledge contained in the GEIS, and the simplified process of the EA can be used to optimize the agency's and therefore the public's cost to achieve this review.

No argument has been presented, of which we are aware, to show that the justification offered by the NRC staff for the original proposal is in error. We believe that the bases for the proposed rule change described in the FR notice and SECY-91-205 continue to be valid. Apparently some within the staff expect that most EAs would result in the need for an EIS. We disagree. We expect that many EAs would result in a FONSI because the significant impacts - those associated with construction - have been absorbed and the impacts of plant operation are relatively benign. Even the issue of endangered species is likely less significant than perceived. Most plants that would be seeking renewal have conditions or restrictions in their licenses intended to mitigate impacts on sensitive plant and animal species. Indigenous species will have lived in conjunction with the facility for several decades before the renewal process. We believe that the generic environmental impact statement (GEIS) prepared specifically to identify and catalogue the impacts of the hundreds of reactor years of experience supports the view little ongoing impact is occurring to specific species or the environment in general. Even if there is a new concern for an existing species, or, new species have inhabited the local region, an EA could highlight a need for additional study for the few cases needing it.

In 56 FR 47016, the Commission concluded "that the adverse environmental impacts of license renewal are minor compared to the benefits to be gained from continued operation for up to an additional 20 years beyond the initial license period." This conclusion was based partly on the abundance of data available quantifying the environmental impacts of operating nuclear power plants, their benign environmental impacts compared to other energy sources, and the diverse environmental limits under which they operate. This has got to be the starting point from which the NRC crafts the process for the environmental review for License Renewal.

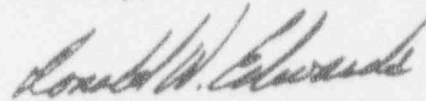
There is no discernable environmental difference between operation in the initial license term and operation in the renewal period, consequently, there can be no major environmental impact that is different in the renewal period. The data presented in the GEIS about operation in the initial term confirms this. If anything, the GEIS is unrealistically conservative in that it assumed that there would be a nine-month refurbishment shutdown prior to operation under the renewal license. This is a flaw that should be corrected in that it is philosophically inconsistent with the underlying premise of Part 54. The point is, however, that an Environmental Report focused by rule on the few potentially important issues is still the right approach. In response, an EA which

Mr. Donald P. Cleary
March 18, 1994
Page 4

permits public review and comment at the draft stage is also the right approach. A more complicated process unnecessarily wastes public and private resources with no possible improvement in the review.

We believe that the NRC should proceed with its originally proposed change to 10 CFR §50.20(b)(2). The bases for the original proposal continue to be valid, and concerns by EPA and CEQ with regard to public participation can be easily satisfied without abandoning the original process as proposed. The NRC should not impose on applicants the additional burden associated with the conduct of an EIS for all license renewal applications. Preparation of an EA will satisfy all applicable legal requirements, will allow for proper public input, will not preclude the preparation of an EIS if this is found necessary, and will result in significant savings to some if not most applicants.

Sincerely,



Donald W. Edwards
Director, Industry Affairs

c: Chairman Selin
Commissioner de Planque
Commissioner Remick
Commissioner Rogers
P. Bayne, President, NEI
J. Colvin, Executive V.P., NEI