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VIRGINIA POWER

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

Serial No. 94-135
NL&P/JWW-HMF-EJL

Dear Mr. Cleary:

**ENVIRONMENTAL REVIEW FOR RENEWAL OF OPERATING LICENSES:
PUBLIC MEETING**

Virginia Power is pleased to submit comments on the U.S. Nuclear Regulatory Commission's (NRC) regional public meetings on 10 CFR Part 51, Environmental Review for Renewal of Operating Licenses. We support the current Part 51 rulemaking to improve the efficiency of environmental review. We agree with your initiative to identify and codify generic environmental issues that pose no significant impact with a Generic Environmental Impact Statement (GEIS). We also agree that the nuclear industry has extensive operating experience that allows the evaluation of the types and magnitude of environmental impacts associated with license renewal and extended operations.

The recent regional meetings provided an opportunity for additional public input into the Part 51 rulemaking process. Although several options have been proposed and discussed to address State concerns about the analysis of need and alternatives in the draft GEIS, the information received from the workshops should help resolve the issue. We agree with the findings in the draft GEIS that license renewal is needed and is environmentally preferable.

Environmental Assessment / Environmental Impact Statement

In SECY-93-032 and during the public workshops, it was reported that the NRC had reached an agreement with the Council on Environmental Quality (CEQ) and the Environmental Protection Agency (EPA) on major Part 51 procedural concerns. It was agreed among the agencies that a supplemental site-specific environmental impact statement (EIS), rather than an environmental assessment (EA), will be required for each license renewal proceeding. This is a major change from the NRC's original intent in the proposed rulemaking to allow for the use of an EA and a finding of no significant impact (FONSI). We are extremely disappointed in this apparent reversal.

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We oppose this reversal, and strongly urge the NRC to proceed with the proposed change to 10 CFR 50.20(b)(2) provided in 56 Fed. Reg. 47016 (Sept. 17, 1991).

Each Federal agency, by its own regulations, implements the National Environmental Policy Act (NEPA) of 1969. The Act provides for an appropriate environmental review for major Federal actions. We recommend that the NRC implementing regulation, 10 CFR Part 51, be revised to allow the NRC to prepare either an EA or an EIS, depending on site-specific information. In 1991 (56 Fed. Reg. 47016 Sept. 17, 1991), the NRC proposed to amend its regulations to eliminate the requirement that the NRC staff must prepare a supplemental EIS for every license renewal application. Instead, the proposed rule change would permit the NRC staff to prepare an EA. If no significant environmental impacts were identified by the EA, the staff would then issue a FONSI. If a FONSI could not be made, a supplemental EIS would be required.

There are several reasons for our position. First, the NRC has apparently reversed its position based exclusively on the comments received from the EPA and the CEQ while apparently not considering other comments received in favor of the proposed rule change. Our understanding of the main concern expressed by the EPA and CEQ on this issue is that an EIS would "provide more public participation than typically occurs when environmental assessments are prepared." (Letter to M. G. Malsch, NRC, from A. N. Miller, CEQ, dated December 31, 1992.) We note that the NRC has the flexibility it needs to allow for extensive public participation, without requiring a supplemental EIS for all license renewal applications. The EA could be issued in draft form for public review and comment before a final determination of whether to prepare an EIS or a final FONSI is made, as currently provided for in 10 CFR 51.33.

Second, 56 Fed. Reg. 47018 (Sept. 17, 1991) provides the NRC staff's basis for the proposed rule change as "...the GEIS finding that only a limited number of potential impacts need to be addressed to renew a license for each plant. The Commission believes that in many instances, this limited set of potential environmental issues will be found to have impacts that are nonexistent or small and, therefore could be analyzed in an EA that results in a finding of no significant impact (FONSI)." We agree. To our knowledge no facts have been provided that prove this basis is in error or no longer valid. The EA/FONSI process is a significantly more efficient environmental review process than the EIS process and is appropriate for these circumstances. Additionally, 56 Fed. Reg. 47018 (Sept. 17, 1991) goes on to state that "The NRC will issue a supplemental EIS if any of the issues addressed are determined to have impacts that are negative and either moderate or large....". We agree that this would be appropriate.

Third, licensees may choose to apply for renewal periods that are substantially less than the twenty years allowed by the regulations. This is not directly recognized by the regulation, but would tend to make a FONSI determination even easier to reach.

In conclusion, we know of no reasons why the NRC should not proceed with its proposed change to 10 CFR 50.20(b)(2) as described in 56 Fed. Reg. 47016 (Sept. 17, 1991). The basis for the original proposal continues to be valid. In our opinion there will be ample opportunity for public participation without abandoning the proposed rule change. 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. To require an EIS for all license renewal applications is unjustified. There will be no tangible benefit and considerable unwarranted expense should the NRC impose the EIS process for all license renewal applications.

At Virginia Power we are actively pursuing a five year renewal initiative for the North Anna and Surry Power Stations. Our initial analysis, which was described to the NRC in a meeting on February 16, 1994, indicates that there should be no adverse environmental impact associated with our five year renewal term. Therefore, we believe that an EA/FONSI would be an appropriate determination for our initiative. Unless the current rule is changed to allow for an EA/FONSI, the NRC would be forced to require the EIS process, with its attendant higher cost and effort, and without any additional environmental benefit.


Treatment of Generic Environmental Issues

The NRC embarked over four years ago in the preparation of a GEIS for license renewal with the intent of increasing the efficiency of the regulatory process. The original objective of the GEIS was to identify all the potential impacts associated with license renewal, determine which of these impacts could be evaluated generically for all plants, and determine the significance of the impacts which could be evaluated generically. The GEIS findings would then be codified in the NRC regulations. As stated in 56 Fed. Reg. 47017 (Sept. 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 rate payers, while ensuring that the environmental impacts of license renewal are evaluated as required by the NEPA."

We endorsed those objectives at the time they were formulated and continue to endorse them now. We are disappointed to see the weakening of these objectives as the result of the agreement reached between the NRC staff and the EPA and CEQ (SECY-93-032). According to this agreement all environmental issues, regardless of their generic resolution in the GEIS, will need to be addressed as part of the site specific environmental reviews and will be subject to public comments. Litigation of generic environmental issues is also facilitated as a result of the agreement. We urge the NRC to strive to make the maximum possible utilization of the GEIS, and to minimize the number of issues to be addressed on a site specific basis.

We would be pleased to discuss our comments with you further. Should you need additional information, please contact Mr. M. L. Bowling, our Manager of Nuclear Licensing and Programs, at 804 - 273 - 2699.

Very truly yours,



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