



POLICY ISSUE (Notation Vote)

July 22, 2021

SECY-21-0066

FOR: The Commissioners

FROM: Margaret M. Doane
Executive Director for Operations

SUBJECT: RULEMAKING PLAN FOR RENEWING NUCLEAR POWER PLANT
OPERATING LICENSES – ENVIRONMENTAL REVIEW
(RIN 3150-AK32; NRC-2018-0296)

PURPOSE:

The purpose of this paper is to request Commission approval to amend Table B-1, “Summary of Findings on NEPA [National Environmental Policy Act] Issues for License Renewal of Nuclear Power Plants,” in Appendix B to Subpart A, “Environmental Effect of Renewing the Operating License of a Nuclear Power Plant” to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.” If this update is approved, the staff would also update NUREG-1437, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants,” Revision 1, issued in June 2013 (LR GEIS), which provides the technical and regulatory bases for Table B-1. Appendix B to Subpart A of 10 CFR Part 51 states that the Commission intends to review this Appendix on a 10-year cycle and update, if necessary. The proposed rulemaking would also include removing the word “initial” from 10 CFR 51.53(c)(3) and making corresponding changes to the LR GEIS and the associated guidance to clarify their applicability to subsequent license renewals.

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SUMMARY:

In accordance with the June 5, 1996, *Federal Register* notice for the final license renewal rule ([61 FR 28467](#); page 28468), the U.S. Nuclear Regulatory Commission (NRC) staff initiated the latest 10-year review of Appendix B approximately 7 years after completion of the previous rulemaking. The previous revision cycle was completed with the issuance of a final rule and LR GEIS, Revision 1, on June 20, 2013 (78 FR 37281). In accordance with 10 CFR Part 51, Appendix B, the NRC published a scoping meeting notice in the *Federal Register* on August 4, 2020 ([85 FR 47252](#)). The scoping notice indicated the results of the NRC's review and invited public comments and proposals for other areas that should be updated. This rulemaking plan provides staff's rationale for updating the summary of findings in Appendix B and the LR GEIS and provides rulemaking alternatives for updating the text in the regulations. Each alternative includes the removal of the word "initial" from 10 CFR 51.53(c)(3) to clarify that the regulations, LR GEIS, and associated guidance apply to subsequent license renewals. The staff's recommended alternative would combine the 10-year review and update with the clarification of 10 CFR 51.53(c)(3) to increase efficiency, improve the quality of the LR GEIS, and avoid risk from piecemeal updates to NEPA documents.

BACKGROUND:

The introduction to Appendix B to Subpart A of 10 CFR Part 51 states that, on a 10-year cycle, the Commission intends to review the material in Appendix B, including Table B-1, and update it, if necessary. Per the final license renewal rule ([61 FR 28467](#); June 5, 1996), the review was initiated in April 2020, approximately 7 years after the completion of the previous revision cycle in June 2013. A working group was established to conduct the 10-year review.

The working group considered lessons learned and knowledge gained from 12 initial and 3 subsequent (i.e., second) license renewal environmental reviews conducted since 2013 to identify potential improvements to the rule and LR GEIS that would enhance the license renewal environmental review process. The 10-year review and update process established by the Commission ensures that the license renewal review process remains efficient and that the analyses of environmental impacts in the LR GEIS remain relevant. In particular, the working group focused on improvements that would support future subsequent license renewal environmental reviews. As a specific example, this proposed rulemaking would remove the word "initial" from 10 CFR 51.53(c)(3) and revise the LR GEIS to clarify its applicability to subsequent license renewals.

The working group also considered recent changes to environmental laws, regulations, and other environmental-related information and assessed the need to further amend the NRC's regulations. In accordance with Appendix B, the NRC published in the *Federal Register* on August 4, 2020 ([85 FR 47252](#)), a scoping notice that indicated the results of the NRC staff's review and invited public comments and proposals for other areas of the LR GEIS that should be updated. The scoping notice initiated a 90-day public comment period and notified the public of four public webinars. These meetings took place on August 19 and 27, 2020 (an afternoon and evening session each day), and the scoping summary report has been developed (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21039A574). The staff also contacted State government agencies and Tribal officials (ADAMS Accession No. ML20171A399) to inform them of the NRC's intention to review, and potentially update, the LR GEIS.

The primary purpose for the LR GEIS is to identify all the potential environmental effects of license renewal and evaluate those environmental impacts considered to be generic, or common, to all nuclear power plants, or a subset of plants. The LR GEIS also determines the issues that need to be addressed in nuclear plant-specific environmental reviews—that is, in supplemental environmental impact statements to the LR GEIS.

The LR GEIS has been effective in focusing license renewal environmental reviews on important site-specific issues and concerns at each nuclear power plant site; this increases the overall efficiency of NRC's environmental reviews. The update will consider lessons learned and knowledge gained about environmental issues of public concern during nuclear plant-specific license renewal environmental reviews. The staff also considers public comments to help validate existing and identify new environmental issues. In revising the LR GEIS, the NRC staff will consider the need to modify, add to, consolidate, or delete any of the environmental issues evaluated in the LR GEIS.

The NEPA issues listed in Table B-1 in Appendix B are characterized as either Category 1 or Category 2. Category 1 issues are considered generic, as the impacts have been found to be essentially the same or similar at all, or a subset of, nuclear plants. Category 1 impacts are addressed in the LR GEIS and usually are not evaluated in nuclear plant-specific environmental reviews unless new and significant information has been found that provides a significantly different picture of the environmental consequences of license renewal from the findings presented in the LR GEIS. Category 2 issues are impact issues that need to be addressed in nuclear plant-specific environmental reviews. Table B-1 summarizes the results of the previous 10-year review as findings on NEPA issues for license renewal of nuclear power plants.

The following sections present the staff's proposed rulemaking plan.

DISCUSSION:

Title

Renewing Nuclear Power Plant Operating Licenses – Environmental Review

Regulation

This rulemaking will update 10 CFR Part 51 environmental protection regulations specific to nuclear power plant license renewal in Appendix B to Subpart A and 10 CFR 51.53(c).

Regulatory Issue

The regulations in 10 CFR Part 51 state that the Commission intends to review Appendix B, Table B-1, along with technical supporting documentation (NUREG-1437), on a 10-year cycle and update it, if necessary. The LR GEIS provides the technical and regulatory bases for the summary of findings on NEPA issues in Table B-1 in Appendix B to Subpart A of 10 CFR Part 51. The staff completed its review and identified several NEPA and license renewal-related issues for possible revision and update. Detailed information about these issues are provided under "Description of Rulemaking: Scope," below.

Existing Regulatory Framework

The existing regulatory framework consists of the following regulations and guidance:

- regulations:
 - Table B–1 in Appendix B to Subpart A of 10 CFR Part 51
 - 10 CFR 51.53(c)
 - 10 CFR 51.71(d)
 - 10 CFR 51.95(c)
- technical and regulatory basis document:
 - NUREG-1437, Revision 1 (LR GEIS)
- guidance:
 - Regulatory Guide 4.2, Supplement 1, Revision 1, “Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications,” issued June 2013
 - NUREG-1555, Supplement 1, Revision 1, “Standard Review Plans for Environmental Reviews for Nuclear Power Plants, Supplement 1: Operating License Renewal,” issued June 2013

Explanation of Why Rulemaking is the Preferred Solution

Since 1996, the LR GEIS and the rule have increased the efficiency of the license renewal environmental review process by documenting those environmental impacts that are generic and well understood. As explained in the LR GEIS and the rule, environmental laws, regulations, and requirements can change over time, affecting the findings on NEPA issues in Table B–1 in Appendix B to Subpart A of 10 CFR Part 51 and the LR GEIS. Additionally, the NRC has identified new issues for consideration in license renewal environmental reviews since the last update in 2013.

Rulemaking is the preferred solution because it would remove ambiguities in the current regulation and clarify the applicability of the LR GEIS to subsequent license renewals. For example, 10 CFR 51.53(c)(3) refers to “applicants seeking an initial renewed license.” In addition, it would codify the improvements and efficiencies captured in license renewal environmental reviews since the previous update and incorporate new information and reflect changes in environmental laws and regulations. These improvements would reduce the regulatory burden for both the NRC and license renewal applicants and enhance the quality of the LR GEIS.

Based on the results of the preliminary review and public scoping efforts, the staff has determined that changes to 10 CFR Part 51 are appropriate. In determining the recommended scope of the rulemaking, the staff identified three alternatives for the Commission’s consideration:

- 1) Integrated rulemaking: combine the 10-year review and update rulemaking to amend Table B-1 in Appendix B and update the LR GEIS and associated guidance

documents with rulemaking to remove the word “initial” from 10 CFR 51.53(c)(3) and make corresponding changes to the technical basis that support its removal;

2) Conduct sequential rulemakings: conduct a targeted (a smaller, narrowly-focused) rulemaking to remove the word “initial” and make corresponding changes to the technical basis that support its removal before proceeding with the 10-year review and update rulemaking to address the remaining NEPA and license renewal-related issues in the rule, LR GEIS, and associated guidance documents; or

3) Targeted rulemaking: conduct a smaller, narrowly-focused rulemaking to remove the word “initial” and corresponding changes that support its removal in the rule, LR GEIS, and associated guidance documents – deferring the remaining NEPA and license renewal-related issues to the next 10-year review and update revision cycle.

The staff recommends Alternative 1, as it constitutes the most efficient use of rulemaking resources. This alternative would update the LR GEIS on the contemplated 10-year cycle which would conclude in 2023. This alternative would also clarify that the LR GEIS and the regulations apply to subsequent license renewal reviews, remove the word “initial” from the regulations, and make corresponding changes in Table B-1, the LR GEIS, and associated guidance.

Alternative 2, while accomplishing the same objectives as Alternative 1, would resolve perceived ambiguities related to subsequent license renewals in the regulations and LR GEIS sooner, but would require additional time and resources to complete the 10-year review and update. The 10-year review and update would be delayed by at least 3 years (i.e., completed by 2026), thereby delaying the realization of benefits (i.e., improvements and environmental lessons learned since 2013).

Alternative 3 would resolve perceived ambiguities related to subsequent license renewals, but would not incorporate environmental efficiencies and improvements identified by the staff (see Scope below), as these improvements would be deferred to the next 10-year revision cycle which would commence in 2030. Consequently, the staff and license renewal applicants would not benefit from these improvements during this 10-year cycle. Additionally, Alternatives 2 and 3 may encompass enhanced risk to the extent the agency would reissue the LR GEIS to clarify ambiguities related to subsequent license renewal, but not necessarily take a “hard look” at other environmental issues, including other known issues discussed below.

Description of Rulemaking: Scope

Each of the alternatives would amend the summary of findings on NEPA issues in Appendix B to Subpart A of 10 CFR Part 51 and update the LR GEIS, but the schedule and resource requirements would differ for each. Implementation of Alternative 3 would defer implementation of certain LR GEIS improvements and increase the scope and level of effort for the next 10-year review and update revision cycle, as compared to Alternatives 1 and 2. This is because the staff would need to consider lessons learned and knowledge gained (e.g., environmental operating experience, regulatory changes) since 2013 through the next 10-year review and update revision cycle, which would occur approximately in the year 2030.

The NEPA and environmental issues that the staff proposes to revise and update, discussed below, would incorporate lessons learned and knowledge gained from license renewals conducted since 2013. These include, but are not limited to, reflecting recent changes to

environmental laws, regulations, and other environmental related information; incorporating best practices for environmental reviews; and reflecting changes in current and emerging nuclear generation and other replacement power technologies. The staff anticipates that the full scope of these changes would, if implemented, reduce applicant burden in preparing environmental reports; improve the efficiency of staff reviews; better reflect emerging technologies; improve alignment with industry and other Federal agency standards and guidance; and improve the clarity of the LR GEIS. Enclosure 1 to this report summarizes comments and proposals received during the public scoping period. In the *Federal Register* notice, the staff proposed the following NEPA and license renewal-related issues needing revision and possible update for the 10-year review:

Subsequent License Renewal Issue:

- *Subsequent license renewals and the word “initial” (revise the LR GEIS and amend the rule to remove inconsistencies and ambiguity)*—The analyses and findings in the LR GEIS are intended to apply to every license renewal environmental review, including subsequent reviews. The staff proposes to clarify that the generic effects of license renewal evaluated in the LR GEIS are not limited to the initial renewal and can also be applied to subsequent renewals.

Petitioners intervening in license renewal proceedings have argued that the word “initial” in 10 CFR 51.53(c)(3) indicates the regulation only applies to initial license renewals and not subsequent renewals. Petitioners have also asserted that the language in the LR GEIS and the summary of findings in Table B-1 in Appendix B do not support subsequent renewals. This is due to potential ambiguities and inconsistencies in the LR GEIS that suggest it may only address the environmental impacts of initial 20-year license renewals. The 1991 proposed rule used the word “initial” to support the staff’s plan to prepare one-time license renewal environmental assessments that would support a generic alternatives analysis in which license renewal would be the preferred option through 2020 (56 FR 47016, pages 47018 and 47030). The word remained in the 1996 final rule and was not removed with other conforming changes in support of the Commission’s stated policy to prepare environmental impact statements, with site-specific alternative analyses, for license renewal reviews. In Commission Order CLI-20-03 (ADAMS Accession No. ML20114E147), the Commission upheld the Atomic Safety and Licensing Board’s (ASLB) decision in the Turkey Point Units 3 and 4 proceeding finding that a holistic reading of 10 CFR Part 51 supports the conclusion that 10 CFR 51.53(c)(3) covers all applicants for license renewal, including subsequent license renewal applicants. The Commission also agreed with the ASLB that the regulatory language is ambiguous. Instead of conducting a targeted rulemaking to clarify the ambiguity, the staff recommends integrating the smaller, narrowly-focused rulemaking with the 10-year review and update of Table B-1 in Appendix B and the LR GEIS.

Issues to Improve the Efficiency and Continued Relevance of License Renewal Environmental Reviews:

- *Greenhouse gas emissions (update the LR GEIS and amend the rule to address this new NEPA issue)*—Executive Order 13990 directs the Council on Environmental Quality (CEQ) to revise and update its final guidance entitled “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews” (81 FR 51866;

August 5, 2016). The LR GEIS currently discusses greenhouse gas emissions as directed by the Commission in CLI-09-21 (November 3, 2009); therefore, the staff proposes to update the LR GEIS to ensure technical consistency with CEQ guidance on greenhouse gas emissions and climate change. In addition, the staff proposes to evaluate greenhouse gas emissions as a new NEPA issue in the LR GEIS. This issue would then be added to the summary of findings in 10 CFR Part 51, Appendix B to Subpart A, Table B-1.

- *New and significant information (update the LR GEIS to address this issue)*—Based on public comment and recent petitions to intervene in license renewal proceedings, the staff has determined that the license renewal process would benefit from a better explanation of the meaning and purpose of new and significant information within the LR GEIS to enhance clarity and consistency in nuclear power plant-specific environmental reviews.
- *Groundwater quality degradation (plants with cooling ponds in salt marshes) (revise the LR GEIS and amend the rule to address these NEPA issues)*—The NEPA issue “Groundwater quality degradation (plants with cooling ponds in salt marshes)” affects two currently licensed nuclear plants. The staff proposes to consolidate this issue with “Groundwater quality degradation resulting from water withdrawals” and expand the evaluation to consider the environmental effects of saltwater intrusion and encroachment on adjacent surface water quality. The staff proposes to clarify the impacts of these NEPA issues in the LR GEIS and the rule.
- *Threatened, endangered, and protected species and essential fish habitat (revise the LR GEIS and amend the rule to address this NEPA issue)*—The staff would divide this Table B-1 issue into three separate NEPA issues based on Federal statute and interagency consultation requirements. This change would reorganize and clarify the discussion of this issue and would not alter the regulatory burden. The staff would modify the issue heading to “Federally Protected Species and Habitats” to exclude protection categories not requiring Federal interagency consultation (e.g., State-listed species) and clarify the meaning of the word “protected.” The staff would include a finding for the protection of marine resources to address requirements under the National Marine Sanctuaries Act. The staff proposes to clarify the impacts of these NEPA issues in the LR GEIS and the rule.
- *Updated guidance on evaluating radiological doses to aquatic and terrestrial biota (update the LR GEIS to address this issue)*—The U.S. Department of Energy (DOE) recently updated DOE Standard 1153-2019, “Graded Approach to Evaluating Radiation Doses to Aquatic and Terrestrial Biota.” The staff proposes to make conforming changes in the LR GEIS to address the DOE’s new guidance.
- *Incorporate the guidance in Nuclear Energy Institute (NEI) 17-04, the revised Biological Effects of Ionizing Radiation (BEIR) VII report, and the Final Rule for Mitigating Severe Events at U.S. Reactors (update the LR GEIS and guidance documents to address this new information)*—The staff proposes to incorporate NEI 17-04, Revision 1, “Model SLR New and Significant Assessment Approach for SAMA [severe accident mitigation alternatives]” (November 12, 2019), in the LR GEIS and associated guidance. The NEI guidance explains how new and significant information about prior SAMA analyses should be considered in subsequent license renewal reviews. The staff also proposes to incorporate information from the National Research Council Committee’s revised

BEIR VII report, “Health Risks from Exposure to Low Levels of Ionizing Radiation.” Additionally, the staff proposes to address subsequent license review situations in which licensees did not use NEI 05-01, Revision A, “Severe Accident Mitigation Alternatives Analysis, Guidance Document” (November 2005). The staff also proposes to address the final rule for mitigation of beyond-design-basis events at U.S. reactors ([84 FR 39684](#)). The staff proposes to include all this information in the LR GEIS and associated guidance documents.

Consideration of Current and Emerging Environmental Review Issues:

- *Advanced and/or small modular reactors (SMRs)*
 - The NRC staff proposes updating the LR GEIS to provide a discussion of current and emerging replacement power technologies that would include a consideration of changes in renewable and nuclear generation technologies such as advanced reactors and SMRs. The staff also proposes to update and expand its comparative analysis of the range of reasonable alternatives to license renewal to include advanced reactors and SMRs.
 - An advanced reactor and SMR licensee at some point could apply for license renewal. The staff considered addressing advanced reactor and SMR license renewal environmental reviews in the LR GEIS. For example, the staff could provide a qualitative impacts analysis in the LR GEIS to lay the framework for generic environmental impact determinations for renewal of advanced reactor and SMRs by leveraging the generic environmental impact determinations for operating light-water reactors. Based on scoping feedback and due to the emerging nature of these technologies, the staff has determined that revisions to the rule to provide a license renewal framework for advanced reactors and SMRs are premature at this time. Consequently, the staff proposes to defer the consideration of advanced reactors and SMRs in the rule to the next revision cycle.
- *Include the environmental impacts of new, large, light-water reactors holding an operating license, construction permit, or combined license after June 30, 1995, (e.g., Vogtle Electric Generating Plant (Vogtle) Units 3 and 4) (update the LR GEIS and amend the rule to address this issue)*—NRC regulations limit the findings in 10 CFR Part 51, Appendix B to Subpart A, Table B–1, to nuclear plants licensed for operation or permitted for construction before June 30, 1995. NRC regulations at 10 CFR 51.53(c)(3) contain a similar restriction. However, the licensee for Vogtle Units 3 and 4 could apply for license renewal at a future date. The staff proposes to revise the LR GEIS and amend the regulations to consider large, light-water reactors permitted for construction after this date.
- *Consideration of more than 20-years of environmental impacts*
 - NRC regulations at 10 CFR 54.17(c) allows a license renewal application to be submitted within 20 years of license expiration, and NRC regulations at 10 CFR 54.31(b) specify that the renewed license will be for a term of 20 years plus the length of time remaining on the current license. As a result, renewed licenses may be for a term of 20 to 40 years. The NRC staff is considering updating the LR GEIS and the rule to clarify that the generic findings in the LR GEIS and rule

are applicable to the 20-year license renewal increment plus the number of years remaining on the current license, up to a maximum of 40 years.

- The Atomic Energy Act of 1954, as amended, allows the NRC to grant nuclear power plant operating licenses for up to 40 years. NRC regulations allow for the renewal of operating licenses for an additional 20 years. At the time the scoping notice was published, the Office of Nuclear Reactor Regulation (NRR) staff were considering the potential for extending the operating reactor license renewal period from 20 years to a maximum of 40 years. The staff subsequently decided to stop consideration of a 40-year license renewal term and has issued a closeout memo notifying the public of its decision (ADAMS Accession No. ML21117A007). Therefore, the staff is no longer considering 40-year license renewal terms as part of the review and update of the rule and LR GEIS.

The staff is also reviewing the CEQ's final rule, "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act" ([85 FR 43304](#); July 16, 2020), and considering recent activities by CEQ to determine what effect it may have on the LR GEIS update. In Memorandum M-21-23, dated April 26, 2021 (ADAMS Accession No. ML21116A240), the Office of Management and Budget (OMB) informed executive departments and agencies that CEQ has identified the updated NEPA regulations for potential review for consistency with the administration's policies. In the interim, OMB has informed agencies that they are no longer expected to submit progress reports regarding implementation of the revised NEPA procedures. However, the staff does not believe that CEQ actions regarding the July 2020 final rule would impact the review and update of the rule and LR GEIS.

Alternatives 1 and 2 would fully address the scope of issues listed above, with the exception of the 40-year license renewal term, which is no longer under consideration by NRR staff, and advanced reactors and SMRs, which the staff determined to be premature at this time. Alternative 2 would require additional time and resources since it would involve two sequential rulemaking activities. Alternative 3 would resolve the ambiguity regarding subsequent license renewals discussed in the first bullet but would not incorporate any of the other environmental efficiencies listed above. Additionally, Alternatives 2 and 3 would encompass some risk because the agency would revise portions of the LR GEIS to clarify its applicability to subsequent license renewal without necessarily taking a "hard look" at other issues in the LR GEIS including identified areas in need of updating.

Description of Rulemaking: Preliminary Backfitting and Issue Finality Analysis

This rulemaking does not constitute "backfitting," as defined in 10 CFR 50.109(a)(1) of the Backfit Rule and is not otherwise inconsistent with the applicable issue finality provisions in 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." This rulemaking does not meet the definition of a backfit, because it does not propose a "modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct or operate a facility." Similarly, this rulemaking does not constitute an action inconsistent with any of the issue finality provisions in 10 CFR Part 52.

Description of Rulemaking: Estimated Schedule

The following is the estimated schedule for Alternative 1:

- Deliver proposed rule to the Commission – 12 months after receipt of the Commission's staff requirements memorandum (SRM).
- Deliver final rule to the Commission – 12 months after the close of the comment period for the proposed rule.

Implementation of Alternative 2 would first clarify the applicability of the LR GEIS to subsequent license renewals, however, it would extend the Alternative 1 schedule by 3 years to provide additional time to conduct the second rulemaking to incorporate the remaining NEPA and related issues. This would delay the realization of benefits until 2026. In contrast, Alternative 3 could be accomplished in the same amount of time as Alternative 1 but would require fewer staff and contractor resources. Implementation of Alternative 3 would require adherence to the same administrative process for rulemaking as well as the NRC's NEPA process for issuing the draft LR GEIS, associated guidance, and proposed rule for public comment. However, Alternative 3 would not incorporate the remaining NEPA and related issues and would not reduce the cost of environmental reviews conducted between now and the next revision cycle in 2030 or improve the quality of the LR GEIS for those reviews. Rather, the staff would defer those remaining issues to the next update cycle.

The staff will develop a more detailed schedule if the Commission approves this rulemaking plan and issues an SRM. The staff plans to conduct public meetings for this rulemaking and is exploring outreach approaches to solicit diverse feedback (e.g., State and Tribal communication letters).

The rulemaking process for this action does not require an advance notice of proposed rulemaking or a regulatory basis. In accordance with Appendix B to Subpart A of 10 CFR Part 51, the NRC staff completed a review of the LR GEIS and identified NEPA issues in Table B-1 for possible revision and update. In accordance with the regulations, the NRC invited the public to comment on the results of its review and requested proposals for other areas that should be updated. The scoping process for the LR GEIS review and update provided the public with sufficient information about this rulemaking without the need for an advance notice of proposed rulemaking or a regulatory basis document.

Description of Rulemaking: Preliminary Recommendation on Priority

Based on the Common Prioritization of Rulemaking methodology (ADAMS Accession No. ML18263A070), this rulemaking activity is ranked high. This activity is a high-priority rulemaking because it would significantly contribute to multiple safety strategies and would significantly improve the efficiency and efficacy of the NRC's license renewal environmental reviews (i.e., initial and subsequent) and responds to expressed interest from Congress and industry.

Description of Rulemaking: Estimate of Resources

Enclosure 2 of this report presents an estimate of the resources needed to complete this rulemaking.

The staff estimates that Alternative 1 would result in significant cost savings, largely from improving the efficiency of license renewal environmental reviews (e.g., initial and subsequent) by updating the LR GEIS, regulations, and associated guidance. Benefits resulting from this alternative would resolve the regulatory ambiguity concerning subsequent license renewal environmental reviews.

Alternative 2, while accomplishing the same objectives as Alternative 1, would require additional staff and contractor resources to fully complete the update.

Alternative 3 would require significantly less resources through fiscal year 2024; however, this alternative would not reduce the cost of environmental reviews conducted between now and the next revision cycle as the staff and license renewal applicants would not benefit from the improvements and environmental lessons learned since 2013.

Cumulative Effects of Regulation

This rulemaking would have a net positive impact on the cumulative effects of regulation because it would potentially reduce the regulatory burden for both the NRC and license renewal applicants. The staff would conduct public meetings on the draft LR GEIS, proposed rule, and associated guidance documents; provide sufficient time for public comment; and conduct additional public outreach, as needed.

Additionally, the staff recognizes that there are other rulemaking projects affecting 10 CFR Part 51. The staff would coordinate with these other 10 CFR Part 51 rulemaking activities to limit overlapping attributes and requirements to minimize the cumulative effects of regulation on applicants and licensees.

Agreement State Considerations

This rulemaking would not affect Agreement States. The rule changes are limited to 10 CFR Part 51 environmental protection regulations specific to nuclear power plant license renewals. The affected regulations are incumbent on the NRC alone and would not affect Agreement States.

Guidance

In conjunction with this rulemaking, the staff would update and revise Regulatory Guide 4.2, Supplement 1, Revision 1, and NUREG-1555, Supplement 1, Revision 1, to incorporate any changes resulting from the LR GEIS and rule update.

Advisory Committee on Reactor Safeguards Review

This rulemaking would be limited to the environmental protection regulations in 10 CFR Part 51 specific to nuclear power plant license renewal, would not involve safety regulations, and, therefore, would not require Advisory Committee on Reactor Safeguards review.

Committee to Review Generic Requirements Review

This rulemaking would be limited to the environmental protection regulations in 10 CFR Part 51 specific to nuclear power plant license renewal. The staff has determined that backfit regulations and issue finality provisions do not apply to this rulemaking, as explained in

“Description of Rulemaking: Preliminary Backfitting and Issue Finality Analysis” above, and, therefore, would not require Committee to Review Generic Requirements review.

Analysis of Legal Matters

The Office of the General Counsel has reviewed this rulemaking plan and has not identified any issues necessitating a separate legal analysis at this time.

COMMITMENT:

The NRC is tracking this rulemaking activity in its centralized rulemaking tracking and reporting system. If the Commission approves initiation of the rulemaking, the staff will proceed to update the LR GEIS and draft a proposed rule for Commission review and approval.

RECOMMENDATION:

The staff recommends that the Commission approve Alternative 1, to proceed with a rulemaking to amend Table B-1 in Appendix B to Subpart A of 10 CFR Part 51 and update the LR GEIS and associated guidance documents, including removal of the word “initial” from 10 CFR 51.53(c)(3) and incorporation of corresponding changes to the technical basis that support its removal.

RESOURCES:

Enclosure 2 includes an estimate of the resources needed to complete this rulemaking.

COORDINATION:

The Office of the General Counsel has no legal objection to this action. The Office of the Chief Financial Officer has reviewed this paper and has no concerns with the estimated resources in Enclosure 2.

Margaret M. Doane
Executive Director
for Operations

Enclosures:

1. Significant Issues Raised
During Public Scoping
2. Estimated Resources (Non-Public)

SUBJECT: RULEMAKING PLAN FOR RENEWING NUCLEAR POWER PLANT OPERATING LICENSES – ENVIRONMENTAL REVIEW (RIN 3150-AK32; NRC-2018-0296) DATED: July 22, 2021

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