



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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May 24, 2021

Mr. Steven Vance
Tribal Historic Preservation Officer
Cultural Preservation Office
Cheyenne River Sioux Tribe
P.O. Box 590 98 S. Willow Street
Eagle Butte, SD 57625

SUBJECT: REVIEW AND POTENTIAL UPDATE OF THE GENERIC ENVIRONMENTAL
IMPACT STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS
(NUREG-1437) (STC-20-059)

Dear Mr. Vance,

Thank you for your letter dated August 20, 2020. We appreciate that you took time to comment on the review and potential update of the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG-1437, LR GEIS). In your letter, you expressed concern with the use of generic analyses in U.S. Nuclear Regulatory Commission (NRC) environmental reviews, as well as the NRC's policies involving tribal consultation, and provided examples of your concerns. In this letter, we address your comments regarding reactor license renewal and the purpose for the LR GEIS.

The Atomic Energy Act of 1954 authorizes the issuance of commercial nuclear power plant operating licenses for up to 40 years. NRC regulations allow for the renewal of those operating licenses for additional 20 year increments, depending on the outcome of safety and environmental reviews to determine whether the nuclear power plant can operate safely and continue to protect the environment during the extended period of operation.

Under the NRC's environmental protection regulations in Title 10, Part 51 of the *Code of Federal Regulations* (10 CFR Part 51), which implement the National Environmental Policy Act, renewal of a nuclear power plant operating license requires the preparation of an environmental impact statement (EIS). To support the preparation of these EISs, the NRC undertook a comprehensive review to identify environmental impacts that could result from the continued operation of nuclear power plants beyond the initial operating license term. The results of this review were published in 1996 as the LR GEIS. The first review and update of the rule and LR GEIS was completed in 2013.

The primary purpose for the LR GEIS is to identify the environmental effects of license renewal and to determine which environmental effects are generic and common to all nuclear power plants and which effects need to be addressed in nuclear plant site-specific environmental reviews (i.e., a supplemental EIS). Environmental effects that can be resolved generically (Category 1) are addressed in the LR GEIS. Environmental effects that vary from site to site (Category 2) are evaluated at the time of license renewal in a supplemental EIS to the LR GEIS. This approach is not meant to limit the environmental review; it is merely the way the NRC has chosen to address the environmental effects of license renewal.

During nuclear power plant license renewal environmental reviews, the NRC makes a concerted effort to determine whether new and significant information exists that could change the generic conclusions for Category 1 issues (e.g., land, air, and water quality) in the LR GEIS.

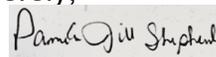
Environmental effects that are addressed generically in the LR GEIS are not evaluated in nuclear plant site-specific EISs, unless new and significant information is identified during the nuclear plant site-specific review. Category 2 issues are addressed in each nuclear plant site-specific EIS.

As indicated in Table B-1 in Appendix B to Subpart A in 10 CFR Part 51 of the regulations, historic and cultural resources are considered a Category 2 nuclear plant site-specific issue. This is because historic and cultural resources vary at each nuclear power plant site, and there is no way to determine their existence or significance generically. The NRC fulfills its National Historic Preservation Act (NHPA) Section 106 responsibilities during each nuclear plant site-specific environmental review. As part of this review, the NRC establishes the undertaking, identifies consulting parties, and determines the scope of potential effects on historic properties. In addition, during the review, the NRC staff consults with potentially affected American Indian tribes that have historic ties and geographic ties to the nuclear plant site in accordance with Section 106 of the NHPA, 36 CFR Part 800, and NRC's Tribal Policy Statement (82 FR 2402). Another Category 2 issue, environmental justice, considers the environmental effects of the proposed action on minority and low-income populations, including Indian tribes, to land, air, water, and cultural resources.

The NRC's review and potential update of the LR GEIS is not an attempt to limit the environmental and cultural review of uranium mining. The LR GEIS summarizes the generic effects of the uranium fuel cycle. However, as discussed in the previous paragraph, the scope of the LR GEIS does not include evaluation of the site-specific environmental effects or the NHPA Section 106 reviews that occur for in-situ uranium recovery facilities, uranium mining sites (which are not regulated by the NRC), or other components of the nuclear fuel cycle. The environmental review, including the cumulative effects analysis, for a specific nuclear fuel cycle facility is conducted during the review of the application for that facility and is not performed as part of a nuclear power plant license renewal review.

If you would like to discuss your comments regarding the LR GEIS with the NRC, please contact Ms. Jennifer Davis by telephone at 301-415-3835 or via e-mail at Jennifer.Davis@nrc.gov. If you would like to discuss any of the other comments in your letter with our tribal liaison staff, please contact me at 301-415-1230 or via email at Jill.Shepherd@nrc.gov.

Sincerely,



Signed by Shepherd, Jill
on 05/24/21

Jill Shepherd, Acting Chief
Materials Safety and Tribal Liaison
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

NRC Letter from Ms. J. Shepherd to Mr. S. Vance, Cheyenne River Sioux regarding scoping comments on the Review and Potential Update of the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG-1437) DATE May 24, 2021

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