

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Hanson
SUBJECT: SECY-21-0066: Rulemaking Plan for Renewing
Nuclear Power Plant Operating Licenses -
Environmental Review (RIN 3150-AK32; NRC-2018-
0296)

Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

Entered in STARS

Yes
No

Signature
Christopher T. Hanson

Date 02/18/2022

Chairman Hanson's views on SECY-21-0066 "Rulemaking Plan for Renewing Nuclear Power Plant Operating Requirements – Environmental Review"

I recognize and appreciate the staff's efforts to develop a rulemaking plan consistent with the Commission's direction in CLI-20-3. But as I made clear in my dissent from CLI-20-11, I fundamentally disagree with that direction. Before the agency goes any further, it is imperative that we pause to properly fulfill our obligations under the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA) for subsequent license renewal (SLR) application reviews. Overturning a recent decision by my colleagues on the Commission, whom I deeply respect, is not something I have undertaken lightly. After much consideration, I believe this is the best course of action.

My decision is based on a legal conclusion and does not reflect a policy position on the merits of SLR or a determination that properly supported generic environmental findings cannot be applied to SLRs. I am committed to assuring that the agency provides clear direction to licensees regarding pending applications. I am also committed to providing the staff with the resources it needs to promptly address NEPA deficiencies in pending SLR reviews while assuring ample opportunity for public notice and comment under the APA.

The staff should immediately begin to develop a plan for a rulemaking that aligns with the Commission's Order, CLI-22-03, and recent decisions in *Turkey Point*, CLI-22-02, and *Peach Bottom*, CLI-22-04, regarding the agency's NEPA analysis of SLR applications.

Within 30 days of the date of this SRM, the staff should provide the Commission a rulemaking plan that includes the following:

- (1) A proposal to update NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," Revision 1, (June 2013) (GEIS), which provides the basis for Table B-1, "Summary of Findings on NEPA 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" (Table B-1).

The GEIS should be updated to clearly include, but not be limited to, a thorough evaluation of the environmental impacts of renewing the operating license of a nuclear power plant for one term of SLR. The updates should be noticed for public comment and clearly inform the public of the scope of the agency's review.

- (2) A proposal to update Table B-1 to incorporate changes necessary to fully account for one term of SLR.
- (3) Proposed language for 10 CFR 51.53(c)(3) that removes the word "initial" and clarifies its applicability to SLR.
- (4) A proposal to update any associated guidance for consistency, including Regulatory Guide 4.2, Supplement 1, Revision 1, "Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications" (June 2013) and NUREG-1555, Supplement 1, Revision 1, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants, Supplement 1: Operating License Renewal (June 2013).
- (5) Timetable options and associated cost estimates for items 1–4 with a goal of completing the effort as expeditiously as possible.

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In addition, within 60 days, the staff should separately provide options for a future effort that would incorporate any changes determined to be necessary for the 10-year regulatory update cycle.