

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Commissioner Wright  
**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**

February 22, 2022

\_\_\_\_\_  
**Date**

**Commissioner Wright's Comments on SECY-21-0066,  
"Rulemaking Plan for Renewing Nuclear Power Plant Operating Licenses –  
Environmental Review (RIN 3150-AK32; NRC 2018-0296)"**

This paper provides the staff's request for Commission approval of its plan to amend Table B-1, "Summary of Findings on [National Environmental Policy Act (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 staff also proposes to update NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," Revision 1, (June 2013) (GEIS), which provides the technical and regulatory bases for Table B-1. The staff's recommendation reflects the holding and rationale outlined in CLI-20-3, in which we held that 10 C.F.R. § 51.53(c)(3) applies to a subsequent license renewal (SLR) applicant's preparation of an environmental report. I continue to support our previous holding in CLI-20-3 and would have approved a version of the staff's recommended rulemaking plan.

I recognize, however, that my colleagues have voted to reverse CLI-20-3 and have instead approved issuance of *Turkey Point*, CLI-22-2, *Oconee*, CLI-22-3, and *Peach Bottom*, CLI-22-4. I strongly disagree with the rationale, reasoning, and holding set forth in those orders. In my view, this change in position is arbitrary, does not reflect the NRC's Principles of Good Regulation, and contravenes the agency's goals of clear communication with the public and transparency in our actions. This reversal, based only on information and arguments previously considered and rejected, undermines the NRC's role as an effective and credible regulator. The majority's decision makes it impossible for stakeholders to rely on our statements and positions.

Notwithstanding my strong disagreement with the majority's approach procedurally and substantively, I recognize that my views would not change the outcome and that direction is needed to address the purported NEPA deficiency. Therefore, I join my colleagues on the limited issue of the status of the licenses and the path forward to support an efficient and equitable resolution given the majority's reversal and approve the following approach.

The staff should immediately begin to develop a plan for a rulemaking that aligns with *Oconee*, CLI-22-3, and recent decisions in *Turkey Point*, CLI-22-2, and *Peach Bottom*, CLI-22-4 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 plan to update the GEIS expeditiously to clearly include, but not be limited to, an evaluation of the environmental impacts of renewing the operating license of a nuclear power plant for one term of SLR. This evaluation should be informed by any previous evaluations already conducted.<sup>1</sup> The updates should be noticed for public comment and clearly inform the public of the scope of the agency's review. The GEIS should be updated expeditiously to reflect the evaluation and should be noticed for public comment.

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<sup>1</sup> Previous evaluations include the staff's evaluation to support SECY-14-0016, which concluded that the current license renewal process and regulations could support SLR, and evaluations of submitted SLR applications, which included reviews for new and significant information.

- (2) A plan to update Table B-1 to incorporate any changes necessary to 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 plan 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.

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.