

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Baran
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

2/18/22

Date

Commissioner Baran's Comments on SECY-21-0066, "Rulemaking Plan for Renewing Nuclear Power Plant Operating Licenses – Environmental Review"

The review of subsequent license renewal applications has been – and continues to be – a high priority for NRC. To comply with the National Environmental Policy Act and ensure that subsequent license renewal decisions rest on a firm legal foundation, it is essential that NRC update the Generic Environmental Impact Statement (GEIS) to examine the 60–80-year subsequent license renewal period. The license renewal regulation must also be revised so that the GEIS findings can then apply to subsequent license renewal applications. It's time to fix this problem so that NRC can move forward expeditiously with these important licensing reviews.

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 National Environmental Policy Act (NEPA) analysis of subsequent license renewal (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 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 plan 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 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.