



SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 16, 2024

IN RESPONSE, PLEASE
REFER TO: M240516A

MEMORANDUM FOR: Raymond V. Furstenau
Acting Executive Director for Operations

FROM: Carrie M. Safford, Secretary CARRIE SAFFORD

SUBJECT: STAFF REQUIREMENTS – AFFIRMATION SESSION, 9:30 A.M.,
THURSDAY, MAY 16, 2024 VIA PUBLIC TELECONFERENCE

Digitally signed by CARRIE
SAFFORD
Date: 2024.05.16 09:34:59
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I. SECY-24-0017 – FINAL RULE: RENEWING NUCLEAR POWER PLANT OPERATING
LICENSES-ENVIRONMENTAL REVIEW (RIN 3150-AK32; NRC-2018-0296)

The Commission approved a final rule which amends Part 51 of Title 10 of the Code of Federal Regulations (10 CFR), “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions” with the enclosed changes. The final rule includes updates to Table B-1, “Summary of Findings on NEPA [National Environmental Policy Act] Issues for License Renewal of Nuclear Power Plants,” in Appendix B, “Environmental Effect of Renewing the Operating License of a Nuclear Power Plant,” to Part 51, Subpart A, “National Environmental Policy Act-Regulations Implementing Section 102(2).” The updates to Table B-1 are supported by the revised NUREG-1437, Revision 2, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants” (LR GEIS). The updates fully account for one term of subsequent license renewal (SLR) by reflecting a thorough evaluation of the environmental impacts of SLR in the LR GEIS; the staff has also updated associated guidance. Additionally, the final rule will remove the word “initial” from 10 CFR 51.53(c)(3) and make conforming changes in 10 CFR 51.53(c)(3)(ii) and 10 CFR 51.95(c). The Commission has also certified, under the Regulatory Flexibility Act, that this rule will not have significant economic impact on a substantial number of small entities.

Following incorporation of these changes, the *Federal Register* notice (FRN) should be reviewed by the Regulatory Analysis and Rulemaking Support Branch in the Office of Nuclear Material Safety and Safeguards and forwarded to the Office of the Secretary for signature and publication.

Based on the current 10-year review cycle, the LR GEIS would be due for review in September 2031 with an effective date expected in FY 2034. Given eligibility starts 20 years prior to license expiration, there are current licensees that could seek a third term of license renewal (operation from 80-100 years) between September 2031 and the completion of the review. Therefore, the staff should continue to engage regularly with industry stakeholders to determine interest in a third term of license renewal and the timing of these potential license renewal applications. If submittal of an application is projected prior to the current estimated effective date, the staff

should provide a rulemaking plan to the Commission with schedule adjustments to account for the potential use of the LR GEIS by licensees seeking a third term of license renewal as early as September 2031.

The staff should add the following language to the FRN, where appropriate, to provide additional clarity:

The NRC uses the phrase “operating license” to refer to an initial operating license as well as a renewed operating license. The term “operating license” in 10 CFR § 51.53(c) and the terms “operating license” and “combined license” in 10 CFR § 51.95(c) are intended to have this meaning, encompassing initial licenses as well as those that have been previously renewed.

The staff should review and revise FRN language, as appropriate, to clarify and make consistent references to the different LR GEIS revisions.

The staff should revise language in the introductory paragraph in Appendix B to Subpart A of 10 CFR Part 51 as well as throughout the FRN and preamble, where appropriate for consistency, to clarify that the Commission has assessed the environmental impacts associated with granting a renewed operating license, construction permit, or combined license for a nuclear power plant licensed as of June 30, 1995.

Enclosure: Edits to the *Federal Register* notice

cc: Chair Hanson
Commissioner Wright
Commissioner Caputo
Commissioner Crowell
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