

May 4, 2009

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS – SECY-09-0034 – PROPOSED  
RULEMAKING - ENVIRONMENTAL PROTECTION REGARDING  
THE UPDATE OF THE 1996 GENERIC ENVIRONMENTAL  
IMPACT STATEMENT FOR NUCLEAR POWER PLANT  
LICENSE RENEWAL

The Commission has approved the staff's recommendation to publish the proposed rule amending 10 CFR Part 51 and the associated draft regulatory analysis in the *Federal Register* for a 75-day public comment period, subject to the comments and changes noted below.

1. The staff should consider referencing the National Academy of Science, Biological Effects of Ionizing Radiation (BEIR) VII Report, "Health Risks From Exposure to Low Levels of Ionizing Radiation," in the guidance documents.
2. The statements of consideration (SOC) should explain that in complying with the agency's environmental regulations, pursuant to section 51.53(c)(3)(iv), a utility is required to provide any new and significant information to the agency, even on a category 1 issue.
3. The staff should consider hosting an additional public meeting here at headquarters in order to use the ability to webstream so that we maximize the potential to include all interested stakeholders in this important rulemaking effort.
4. The staff should revise the Draft Generic Environmental Impact Statement for License Renewal, Rev 1., Appendix E, Section E.3, Accident Risk and Impact (ml 090220654) to reflect the Third Circuit's decision in *NJ Dept. of Enviro. Prot. v. NRC*, upholding the Commission's decision in *AmerGen Energy Co. (Oyster Creek Nuclear Generating Station)*, CLI-07-8, 65 NRC 124 (2007).
5. Changes to the *Federal Register* Notice
  - a. On page 3, line 2 from the top, remove the dash after the area code in the first telephone number.
  - b. On page 11, 2<sup>nd</sup> full paragraph, line 1, delete the comma.

- c. On page 12, last paragraph, revise line 8 to read ‘ ... impacts. Identifying ~~ing~~ **ication of** ....’
- d. On page 14, 2<sup>nd</sup> full paragraph, line 4, insert a space after “B-1.”
- e. On page 28, last paragraph, revise line 4 to read ‘ ... may disturbs or ....’
- f. On page 29, last paragraph, revise line 2 to read ‘ ... new Category 1 **issue**, “Refurbishment ....’
- g. On page 33, revise line 1 from the top to read ‘ ... given their **ir** similar ....’
- h. On page 38, last paragraph, revise line 1 to read ‘These ~~issues-current~~ environmental issues ....’
- i. On page 40, line 10 from the top, insert a dash between (A) and (P) at the end of the line.
- j. On page 40, 1<sup>st</sup> full paragraph, revise line 3 to read ‘ ... these paragraphs **s** to ....’
- k. On page 42, last paragraph, revise line 1 to read ‘**In August 2004, the Commission issued a policy statement on implementation of E.O. 12898: As stated in NRC’s Policy** ....’ Revise line 2 to read ‘ ... (69 FR 52040). **As stated therein,** “the NRC is ....’ Revise line 6 to read ‘ ... and determine**ing if** there ....’ Add the following sentence at the end of the paragraph: The NRC will then assess the information provided by the applicant.
- l. On page 45, paragraph 1, revise line 2 to read ‘ ... impacts **were** ~~was~~ not ....’ Revise line 3 to read ‘ ... but **are** ~~is~~ currently ....’

cc: Chairman Klein  
 Commissioner Jaczko  
 Commissioner Lyons  
 Commissioner Svinicki  
 OGC  
 CFO  
 OCA  
 OPA  
 Office Directors, Regions, ACRS, ASLBP (via E-Mail)  
 PDR