

December 6, 2012

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

Brooke Poole, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M.,
THURSDAY, DECEMBER 6, 2012, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-12-0063 – Final Rule: Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses (10 CFR Part 51; RIN 3150–A142)

The Commission approved a final rule amending Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.” The final rule will redefine the number and scope of the environmental impact issues that must be addressed by the NRC and applicants during license renewal environmental reviews. This rule incorporates lessons learned and knowledge gained from license renewal environmental reviews conducted by the NRC since 1996.

Following incorporation of attached changes, the *Federal Register* notice should be reviewed by the Rulemaking, Directives, and Editing Branch in the Office of Administration and forwarded to the Office of the Secretary for signature. The Office of the Secretary will provide the modified rulemaking package to the Commission for review 10 business days prior to its transmittal to the Office of the Federal Register for publication.

The staff should include instructions in the Environmental Standard Review Plan (Chapter 5.1, section IV of NUREG 1555, supplement 1, revision 1) to explicitly reference the entire phrase “the probability-weighted consequences of severe accidents are small” when reiterating the conclusion of the GEIS in site-specific reviews.

When the staff updates the 2010 Waste Confidence Decision (WCD) and Temporary Storage Rule (TSR), conforming changes will need to be made to the GEIS and associated rule. The staff should determine the appropriate time to make those conforming changes, with the expectation that whichever option the staff chooses—either making the changes concurrent with the WCD and TSR update or waiting until those actions are completed—should not adversely impact the WCD and TSR 24-month schedule.

II. SECY-12-0124 – Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), Jones River Watershed Association and Pilgrim Watch Petition for Review of LBP-12-11

The Commission¹ approved a Memorandum and Order responding to a petition for review by Pilgrim Watch and Jones River Watershed Association of the Atomic Safety and Licensing Board's decision in LBP-12-11, which denied a request to reopen the proceeding and admit a new contention. The Memorandum and Order denies the petition for review.

(Subsequently, on December 6, 2012, the Secretary signed the Memorandum and Order.)

Attachment: Changes to the Final Rule in SECY-12-0063

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

¹ Commissioner Apostolakis did not participate in this matter.

Changes to the Final Rule in SECY-12-0063.

1. The Generic Environmental Impact Statement (GEIS) and rulemaking package should be modified in light of the D.C. Circuit Court's decision in *New York v. NRC*. The staff should remove those sections of the GEIS and rulemaking package that refer to and rely upon the 2010 Waste Confidence update and include any necessary explanations for the changes.
2. The staff should revise the *Federal Register* Notice to include an explanation of the scope of license renewal reviews—with respect to both safety and environmental reviews—and the interaction between safety and environmental reviews.