

U.S. NRC

UNITED STATES NUCLEAR REGULATORY COMMISSION

Protecting People and the Environment

**Public Meeting on
Subsequent License Renewal**

November 13, 2012

Ground Rules

- Be respectful of and courteous towards all participants
 - Honor all comments and points of view as valid
- One person speaks (clearly) at a time
- Silence your cell phones and mute your lines
- Press *1 to enter the speaking queue
 - Three-minute limit to start and can reenter queue
 - Begin with your name (spell out your last name) and affiliation



Purpose of Today's Meeting

- Receive comments for consideration for subsequent license renewals
- Topic areas
 - Consideration of severe accident mitigation alternatives (SAMAs)
 - Mandating reduction in environmental impacts
 - Consideration of terrorist threats
 - Population demographics in plant vicinities



Additional Commenting Opportunities

- Webinar tomorrow, November 14, 2012
- By email to:

SLR.Resource@nrc.gov



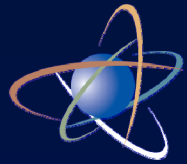
Consideration of SAMAs

➤ Governing Regulation

- 10 CFR 51.53(c)(3)(ii)(L)
 - SAMA required if not previously considered
 - Per 1996 statement of consideration (SOC) for Part 51, SAMA not needed for Limerick, Comanche Peak, and Watts Bar for license renewal.

➤ Basis for 10 CFR 51.53(c)(3)(ii)(L)

- SAMA analysis includes the identification and evaluation of alternatives that reduce the radiological risk from a severe accident. Risk is reduced by preventing substantial core damage, (i.e., preventing a severe accident), or by limiting releases from containment in the event that substantial core damage occurs, (i.e. mitigating the impacts of a severe accident).



Consideration of SAMAs

- Basis for 10 CFR 51.53(c)(3)(ii)(L)(cont'd)
 - NEPA’s SAMA requirement arose from the Third Circuit’s decision in *Limerick Ecology Action, Inc. v. NRC*, 869 F.2d 719 (1989). In that case, the court noted that an adequate NEPA analysis must “contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decision maker to take a ‘hard look’ at the environmental factors and to make a reasoned decision.”



Consideration of SAMAs

- Is the 10 CFR 51.53(c)(3)(ii)(L) criteria appropriate for subsequent renewals?
 - Yes? Basis for continued acceptance
 - No? Basis for unacceptability.
 - Should plants have to perform SAMA analysis a second time?
 - Should NRC mandate implementation of all cost-beneficial SAMAs?



Mandatory Reduction in Environmental Impacts

➤ Governing Regulation

- NEPA requires that Federal agencies review the environmental impacts of their actions, but does not require that agencies mandate or minimize the environmental impacts.
- Environmental impacts of licensee/applicant activities are managed through legislation other than NEPA, both at the Federal and state level. Legislation such as the Clean Air Act, Clean Water Act, and Coastal Zone Management Act at the Federal level, as well as various state and local provisions establish environmental areas of concern and the mechanisms for their control.



Mandatory Reduction in Environmental Impacts

➤ Basis

- Reductions in environmental impacts for applicants/licensees are usually handled as part of permitting process, such as National Pollutant Discharge Elimination System (NPDES) and Clean Air Act (CAA) permits. The NRC does not have any specific NEPA-related authority to mandate reductions in environmental impacts.



Mandatory Reduction in Environmental Impacts

- Is this criteria appropriate for subsequent renewals?
 - Yes? Basis for continued acceptance
 - No? Basis for unacceptability.
 - Should NRC develop offsite/onsite limits and mandate compliance? If so, what should the limits be or what should the staff consider when establishing the limit?



Consideration of Terrorist Threats

➤ Governing Regulation

- NUREG 1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants* (GEIS), documents “a discretionary analysis of terrorist acts in connection with license renewal”
- The GEIS concluded “that the core damage and radiological release from such acts would be no worse than the damage and release to be expected from internally initiated events.”



Consideration of Terrorist Threats

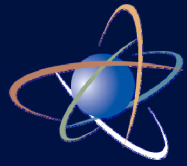
➤ Basis

- It has been the NRC's consistent position that NEPA does not require the NRC, when assessing whether to license nuclear facilities, to analyze environmental impacts from terrorist attacks.
- NRC, in conjunction with several other federal agencies, already addresses terrorist threats via extensive security requirements that seek to prevent terrorist attacks altogether and to minimize the harmful effects if such attacks do occur.



Consideration of Terrorist Threats

- Is this criteria appropriate for subsequent renewals?
 - Yes? Basis for continued acceptance
 - No? Basis for unacceptability.
 - Why should NRC consider site-specific evaluation of terrorist threats for subsequent license renewal?



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Population Demographics in Plant Vicinity

➤ Governing Regulation

Per Part 51 SOC: "On February 11, 1994, the President issued Executive Order (E.O.) 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994). This order requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations."



Population Demographics in Plant Vicinity

➤ Basis

- An environmental justice review is done to determine whether there would be any disproportionately high or adverse impacts to low-income or minority populations from continued plant operation.



Population Demographics in Plant Vicinity

- Is the criteria for determining the population demographics in the plant vicinity appropriate?
 - Yes? Basis for continued acceptance
 - No? Basis for unacceptability.
 - What additional information should be included in the scope, and why it should be included.

Conclusion

- Additional comments?

- Reminder:
 - E-mail comments to:
SLR.Resource@nrc.gov
 - Additional webinar tomorrow November 14, 2012