



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

July 16, 2021

ALL AGREEMENT STATES
NON-AGREEMENT STATES
STATE LIAISON OFFICERS
ALL FEDERALLY RECOGNIZED INDIAN TRIBES

NOTIFICATION OF THE ISSUANCE OF THE SCOPING SUMMARY REPORT FOR THE REVIEW AND UPDATE OF THE GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR LICENSE RENEWAL OF NUCLEAR PLANTS (NUREG-1437) (STC-21-045)

Purpose: To inform States and Indian Tribes that the U.S. Nuclear Regulatory Commission (NRC) has issued a scoping summary report for the review and update of NUREG-1437, “Generic Environmental Impact Statement or License Renewal of Nuclear Plants—Final Report” (LR GEIS).

Background: On August 4, 2020, the NRC staff issued a notice in the *Federal Register* ([85 FR 47252](#)) announcing its intent to review and potentially update the LR GEIS. The notice initiated public scoping, indicated the results of the NRC's preliminary review, and invited public comments and proposals for areas that should be updated. The NRC notified States and federally recognized Indian Tribes regarding this review and potential update by letter dated August 5, 2020 (see [STC-20-059](#)).

In the introduction to Appendix B to Subpart A of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, “Environmental Effect of Renewing the Operating License of a Nuclear Power Plant,” the Commission states that, on a 10-year cycle, it intends to review the material in Appendix B and update it, if necessary. In April 2020, the NRC staff informed the Commission that it had initiated the latest 10-year review. Per Commission direction, the review was initiated 7 years after the completion of the previous rulemaking. The previous revision cycle was completed in June 2013 ([78 FR 37281](#)).

The scoping process consisted of a 90-day public comment period and included four public meetings (virtual) conducted on August 19, 2020, and August 27, 2020, from 1:30 p.m. to 4:00 p.m. and 6:30 p.m. to 9:00 p.m. (an afternoon and evening session each day). Each webinar was transcribed by a court reporter. The official transcripts are available in NRC's Agencywide Documents Access Management System (ADAMS) under Accession No. [ML20296A250](#). The public scoping period ended November 2, 2020.

Discussion: Enclosed is the NRC staff's Scoping Summary Report that summarizes the comments received during the public scoping period. The NRC staff collected comments from the meeting transcripts, via e-mail, and regulations.gov.

If you have questions regarding this correspondence, please contact the individual named below:

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Sincerely,



Flannery, Cynthia signing on behalf
of Anderson, Brian
on 07/16/21

Brian C. Anderson, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
LR GEIS Scoping Summary Report

**Environmental Impact Statement
Scoping Process**

Summary Report

**Review and Update of the
Generic Environmental Impact Statement
For License Renewal of Nuclear Plants
(NUREG-1437)**

June 2021



**U.S. Nuclear Regulatory Commission
Rockville, Maryland**

A. Introduction

On August 4, 2020, the U.S. Nuclear Regulatory Commission (NRC) staff issued a *Federal Register* notice (FRN) (85 FR 47252) initiating the scoping process to solicit public input to support the review to determine whether to update the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG-1437, LR GEIS). The notice informed the public and local, State, Tribal, and Federal government agencies of the NRC staff's intention to review and update the LR GEIS. It provided the public and other governmental entities with an opportunity to comment on the review and propose areas for updating, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 51.29.

In the introduction to Appendix B to Subpart A of 10 CFR Part 51, "Environmental Effects of Renewing the Operating License of a Nuclear Power Plant," the Commission states that, on a 10-year cycle, it intends to review the material in Appendix B (Table B-1) and update it, if necessary. In April 2020, the staff informed the Commission that it had initiated the latest 10-year review. Per Commission direction, the review was initiated 7 years after the completion of the previous rulemaking. The previous revision cycle was completed in June 2013 (78 FR 37281).

The scoping process consisted of a 90-day public comment period and included four webinar meetings conducted on August 19, 2020, and August 27, 2020, from 1:30 p.m. to 4:00 p.m. and 6:30 p.m. to 9:00 p.m. to receive comments from the public. The contents of each webinar meeting was transcribed by a court reporter. On August 19, approximately 35 people attended the afternoon meeting and 5 people attended the evening meeting, including representatives from nuclear industry and Federal and State agencies. On August 27, approximately 20 people collectively attended the two webinar meetings including representatives from nuclear industry and Federal and State agencies. The official transcripts are available in NRC's Agencywide Documents Access Management System (ADAMS) under Accession No. ML20296A250 (NRC 2020). The public scoping period ended November 2, 2020.

As specified in Appendix B to Subpart A of 10 CFR Part 51, the NRC completed a preliminary review of the LR GEIS and identified several National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*) and related environmental issues in the FRN for possible revision and update. Consistent with the regulations, the NRC invited the public to comment on the results of the preliminary review and requested proposals for other areas of the LR GEIS that should be updated. The NRC identified the following NEPA and related environmental issues for possible revision and update in the LR GEIS:

- greenhouse gas emissions
- groundwater quality degradation
- threatened, endangered, and protected species and essential fish habitat
- radiological doses to aquatic and terrestrial biota
- Nuclear Energy Institute (NEI) 17-04 guidance (NEI 2019) and revised Biological Effects of Ionizing Radiation (BEIR) VII report (National Research Council 2006)
- final rule for mitigating severe events at U.S. reactors
- new and significant information and decommissioning
- nuclear plants permitted to construct or licensed to operate after June 30, 1995

- advanced and small modular reactors
- license renewal beyond the current 20-year license renewal term.

During scoping, NRC staff in the Office of Nuclear Reactor Regulation were considering the potential for extending the operating reactor license renewal period from 20 years to a maximum of 40 years. Subsequently, based on public feedback, Office of Nuclear Reactor Regulation staff ended its consideration of a 40-year license renewal term.

The NRC issues a scoping summary report to document the results of the scoping process. The NRC staff does not make any final determinations about which NEPA and related environmental issues are considered for possible revision and update in the LR GEIS. That determination will be made by the Commission. This report summarizes all comments received during the scoping process including those received during the public scoping meetings.

B. List of Commenters

The following table lists the commenters and comment submissions received by the NRC. Commenters are identified by name and affiliation (if provided), identification (ID) number, source, and the ADAMS accession number.

Table B-1 Individuals Providing Comments during the Scoping Comment Period

Commenter	Affiliation (if stated)	Correspondence ID	Comment Source	ADAMS Accession Number
Leshinskie, Tony	Vermont Public Service Department	3-1	Meeting Transcript, page 24	ML20296A272
Bremer, Mike	Pueblo of San Ildefonso	1	Email	ML20247J547
Kissinger, Peter	Nuclear Energy Institute	6	Letter	ML20308A453
McCleary, Alexandra	San Manuel Band of Mission Indians, California	7	Letter	ML20308A463
Sager, Maggie	National Oceanic and Atmospheric Administration (NOAA) Fisheries	4-1	Meeting Transcript, page 23	ML20296A270
Tomiak, Robert	U.S. Environmental Protection Agency	5	Email	ML20307A616
Vance, Steve	Cheyenne River Sioux Tribe	2	Letter	ML20241A011

C. Scoping Comments and Responses

Scoping comment submittals were categorized and consolidated by comment issue category. Each submittal was given a unique identifier and, when appropriate, comments were separated into their corresponding issue category.

C.1 Comments Concerning the License Renewal Process

Comment: A commenter expressed support for the NRC’s proposal to clarify that the LR GEIS applies to subsequent (second) license renewal environmental reviews and suggested that the

applicability should be reflected in both the LR GEIS and 10 CFR Part 51, consistent with the Commission's determination in CLI-20-03 (NRC 2020) regarding perceived ambiguities in 10 CFR 51.53(c)(3).

Comments: (6-3)

Response: *The LR GEIS provides the technical and regulatory basis for the "Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants" in Table B-1 of Appendix B to Subpart A of 10 CFR Part 51. The NRC staff is proposing to resolve the perceived ambiguity and clarify that the analyses and findings in the LR GEIS and Table B-1 apply to subsequent (second) license renewal environmental reviews. If approved by the Commission, the NRC staff will make this clarification in the LR GEIS and rule.*

Comment: A commenter questioned whether it is the appropriate time for some of the NRC staff's proposed changes to be incorporated in the LR GEIS. Specifically, the commenter questioned whether:

- to include large light-water reactors permitted for construction after June 30, 1995, in the LR GEIS update. The commenter suggested that the NRC defer this change because Vogtle Units 3 and 4 are the only applicable reactors at present, and stated that the reactors would not have accrued enough operating experience and the licensee would not seek renewal for at least another two decades.
- to include advanced nuclear reactors (ANRs) and small modular reactors (SMRs) in the LR GEIS update. The commenter suggested that the NRC complete the ANR GEIS and defer including SMRs in the LR GEIS until the next 10-year review.
- to include the consideration of the environmental impacts of license renewal beyond the current 20-year renewal term in the LR GEIS update. The commenter suggested this consideration may be premature given that the NRC staff in the Office of Nuclear Reactor Regulation is in the early stages of evaluating that possibility.

Comments: (6-4) (6-5) (6-6)

Response: *At the time the scoping notice was published, NRC staff in the Office of Nuclear Reactor Regulation were considering the potential for extending the operating reactor license renewal period from 20 years to a maximum of 40 years. Subsequently, based on public feedback, Office of Nuclear Reactor Regulation staff ended its consideration of a 40-year license renewal term. The NRC staff is considering the remaining changes to enhance the utility of the LR GEIS for future license renewals. If approved by the Commission, the NRC staff will incorporate these changes in the LR GEIS and proposed rule. Members of the public will have an opportunity to provide comments on the LR GEIS and any issued proposed rule.*

Comment: A commenter stated that the LR GEIS appears to be focused on relicensing operating plants and requested clarification on whether the LR GEIS updates would apply to decommissioning plants.

Comment: (3-1)

Response: *The LR GEIS evaluates the potential environmental impacts from renewing nuclear power plant operating licenses. It considers the incremental effects of reactor operations during the renewal term on future decommissioning activities. The LR GEIS also discusses the*

environmental impacts from not renewing the operating license (no-action alternative) including the termination of reactor operations and preparations for decommissioning. Decommissioning impacts are addressed in a separate NRC NEPA document, NUREG-0586, “Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities, Supplement 1, Regarding the Decommissioning of Nuclear Power Reactors” (NRC 2002). Table B-1 of the regulations includes decommissioning, along with the termination of plant operations, as a NEPA issue; however, the LR GEIS does not analyze the impacts of decommissioning activities, nor does it consider the environmental impacts at decommissioned nuclear plants. This comment did not provide any information for consideration in updating the LR GEIS and rule.

Comment: A commenter recommended that the NRC not delegate its authority to State or local agencies to conduct site-specific environmental reviews.

Comment: (7-3)

Response: *NRC’s NEPA implementing regulations require the staff to conduct environmental reviews for various licensing actions. The responsibility for conducting environmental reviews for the renewal of nuclear power plant operating licenses is the sole responsibility of the NRC and cannot be delegated. This comment did not provide any information for consideration in updating the LR GEIS and rule.*

C.2 Comments Concerning the NEPA Process

Comment: A commenter made several suggestions for improving the NRC’s NEPA process including consistency with the One Federal Decision policy established by Executive Order 13807 for multiagency review and related permitting and other authorization decisions. The comments encourage the NRC to consider the Council on Environmental Quality’s (CEQ’s) rule changes in the context of the agency’s broader efforts to enhance and streamline its environmental reviews; to implement various process-related improvements prior to, during, and following audits; and to use the NRC’s authority and processes to avoid or mitigate delays caused by consultations with other Federal or State agencies.

Comments: (6-8) (6-9) (6-10)

Response: *The NRC is reviewing the CEQ’s July 16, 2020, final rule, which updates the “Regulations Implementing the Procedural Provisions of the National Environmental Policy Act” (85 FR 43304), to determine its effect on the LR GEIS. In addition, Executive Order (E.O.) 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” (86 FR 7037) was issued on January 20, 2021. Section 7(b) of E.O. 13990 revokes E.O. 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects” (also known as the One Federal Decision [OFD] process). The NRC staff will consider the commenter’s suggestions for improvements to the NEPA process for future license renewal environmental reviews. If approved by the Commission, the NRC staff will incorporate these changes in the LR GEIS and rule.*

Comment: A commenter expressed concern with the NRC’s National Historic Preservation Act (NHPA) Section 106 tribal consultation process during uranium mining (i.e., in-situ recovery facility) environmental reviews and emphasized the importance of honoring government-to-government consultations with American Indian tribes. Specifically, the commenter asked the NRC if it had reviewed its NHPA Section 106 consultation with the Tribes during the

Dewey-Burdock in situ recovery environmental review (NUREG-1910, Supplement 4 SEIS; NRC 2014).

Comment: (2-5)

Response: *This comment is outside the scope of the LR GEIS review and potential update. As indicated in Table B-1 of the regulations, historic and cultural resources is a Category 2 nuclear plant site-specific issue. NRC staff consult with potentially affected American Indian tribes during each site-specific license renewal environmental review, including those that have historic and geographic ties to where the nuclear power plant is located in accordance with Section 106, 36 CFR Part 800, and NRC's Tribal Policy Statement (82 FR 2402). The NRC staff will review the commenter's concern about possible improvements to the NHPA Section 106 consultation process for future license renewal environmental reviews. If approved by the Commission, the NRC staff will incorporate any changes in the LR GEIS and rule.*

Comment: The Pueblo de San Ildefonso replied to NRC's request for NHPA (54 U.S.C. § 300101 *et seq.*) as amended, Section 106 consultation stating that they did not wish to participate in consultation on this matter.

Comment: (1-1)

Response: *The NRC appreciates the response from the Pueblo de San Ildefonso regarding the LR GEIS review and acknowledges that they do not wish to consult. This comment did not provide any information for consideration in updating the LR GEIS and rule.*

C.3 Comments Concerning Surface Water Hydrology

Comment: A commenter recommended that the NRC evaluate changes to aquatic systems over the years (e.g., changes in water volume, seasonal flow, and water temperatures) at nuclear power plants undergoing license renewal. The commenter further recommended that the NRC reevaluate potential environmental impacts on water quality and water levels related to thermal discharges and rising temperatures, to the extent that hydrologic alteration can be evaluated generically.

Comment: (5-1)

Response: *The NRC appreciates these recommendations. The NRC staff will consider the need for new data and information related to hydrologic alterations and the thermal characteristics of receiving waters when determining whether to update the LR GEIS. The staff will also consider changes in operating experience and environmental conditions, such as effluent quality at operating nuclear power plants. If approved by the Commission, the NRC staff will incorporate this new information in the LR GEIS.*

C.4 Comments Concerning Groundwater Hydrology

Comment: A commenter recommended that the NRC staff use information and analyses in the supplemental environmental impact statement for Turkey Point Units 3 and 4 subsequent license renewal when revising the LR GEIS NEPA groundwater quality issues.

Comment: (6-11)

Response: As stated in the public scoping notice for the LR GEIS (85 FR 47252, August 4, 2020), the NRC staff is considering lessons learned and knowledge gained from previous license renewal environmental reviews. This would include information from the Turkey Point Units 3 and 4 subsequent license renewal environmental impact statement for incorporation in the LR GEIS update. If approved by the Commission, the NRC staff will incorporate this information.

C.5 Comments Concerning Aquatic Ecology

Comment: A commenter asked about NRC's guidelines for aquatic resources and protected species consultation. Another commenter expressed support for clarifying issues that do not require interagency consultation or non-Federal protection categories, such as State-listed species, and requirements for interagency consultation with the National Oceanic and Atmospheric Administration under the National Marine Sanctuaries Act (16 U.S.C. § 1431 *et seq.*).

Comments: (4-1) (6-12)

Response: NRC's *Environmental Standard Review Plans for Nuclear Power Plants, Supplement 1: Operating License Renewal* (NUREG-1555, Supplement 1, Revision 1; NRC 2013) and Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-203, Revision 4 "Procedural Guidance for Preparing Categorical Exclusions, Environmental Assessments, and Considering Environmental Issues" (NRC 2020) provide guidance for NRC staff on consultations and the technical review of impacts on threatened, endangered, and protected species (and critical habitats, if required), and essential fish habitat. Threatened, endangered, and protected species and essential fish habitat include those species and habitats that are Federally protected under the Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 *et seq.*).

The NRC staff appreciates the comment expressing support for clarifying issues that do not require interagency consultation for non-Federal protection categories and requirements for interagency consultation under the National Marine Sanctuaries Act (16 U.S.C. § 1431 *et seq.*). If approved by the Commission, the NRC staff will incorporate these clarifications in the LR GEIS.

Comment: A commenter stated that the effects of hydrologic alterations, such as water temperature fluctuations, can contribute to the impairment of waterbodies designed to support aquatic life. The commenter recommended that the NRC consider reevaluating the potential generic impacts of hydrologic alterations on fisheries, especially in relation to thermal discharges and rising temperatures.

Comment: (5-2)

Response: The NRC staff will consider re-evaluating information concerning potential environmental impacts on fisheries caused by thermal discharges and rising temperatures. If approved by the Commission, the NRC staff will incorporate this new information in the LR GEIS.

Comment: A commenter expressed support for updating the LR GEIS to reflect the U.S. Department of Energy's (DOE's) issuance of the document "A Graded Approach to

Evaluating Radiation Doses to Aquatic and Terrestrial Biota” (DOE-STD-1153-2019; DOE 2019).

Comment: (6-13)

Response: *The LR GEIS update would use the most recent DOE standard for the evaluation of radiation dose to aquatic and terrestrial biota. If approved by the Commission, the NRC staff will incorporate this new information in the LR GEIS.*

C.6 Comments Concerning Environmental Justice

Comment: A commenter agrees that environmental justice and impacts on minority and low-income populations and subsistence consumption cannot be addressed generically.

Comment: (7-2)

Response: *As indicated in Table B-1 of the regulations, environmental justice is a Category 2 issue and impacts on minority and low-income populations and subsistence consumption will be addressed in nuclear plant site-specific reviews. See the NRC Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions (69 FR 52040). This comment did not provide any information for consideration in updating the LR GEIS and rule.*

C.7 Comments Concerning Historic and Cultural Resources

Comment: A commenter expressed concern that the NRC is considering impacts on historic and cultural resources under a different category, which fails to take into consideration impacts on the environmental attributes of sacred sites and that these will not be adequately addressed in the historic and cultural resources analysis in the LR GEIS.

Comment: (2-3)

Response: *As indicated in Table B-1 of the regulations, historic and cultural resources is a Category 2 issue because resources vary at each nuclear plant site. Impacts on historic and cultural resources are addressed in each nuclear plant site-specific review. In addition, another Category 2 issue, environmental justice, considers the environmental effects of the proposed action on minority and low-income populations or Indian tribes; including land, air, water, and cultural resources. The NRC fulfills its NHPA Section 106 responsibilities during the nuclear plant site-specific environmental review. As part of this review, the NRC establishes the undertaking, identifies consulting parties, and determines the scope of potential effects historic properties. In addition, during the review, the NRC staff consults with potentially affected American Indian tribes that have historic ties to the nuclear plant site in accordance with Section 106, 36 CFR Part 800, and NRC’s Tribal Policy Statement (82 FR 2402). Based on staff recommendations, the Commission will ultimately determine whether any changes will be incorporated in the LR GEIS and rule.*

C.8 Comments Concerning Greenhouse Gases and Climate Change

Comment: One commenter indicated that the NRC should not modify the current LR GEIS based on the CEQ “Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions” published on June 26, 2019 (84 FR 30097). The commenter

noted that the NRC staff is considering whether it “should evaluate this new NEPA issue in the LR GEIS and determine the issue category and level of impact.” The commenter indicated that CEQ has not finalized the Draft Greenhouse Gas guidance and that the NRC is not obligated to follow the draft guidance.

Comment: (6-7)

Response: *After scoping, Executive Order 13990 “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis” (86 FR 7037, January 20, 2021) rescinded CEQ’s draft guidance. Executive Order 13990 also directs CEQ to revise and update its final guidance entitled, “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews,” (81 FR 51866, August 5, 2016). In addition, as stated in the public scoping notice (85 FR 47252, August 4, 2020), the NRC staff is considering evaluating greenhouse gas emissions as a new NEPA issue to enhance the utility of the LR GEIS for future license renewals. If approved by the Commission, the NRC staff will address this new NEPA issue in the LR GEIS and rule.*

C.9 Comments Concerning Severe Accidents

Comment: One commenter noted that the NRC found NEI 17-04, Revision 1 (NEI 2019), acceptable for interim use by subsequent (second) license renewal applicants in identifying and considering new and significant information with respect to prior severe accident mitigation alternatives (SAMA) analyses.

Comment: (6-14)

Response: *If approved by the Commission, the staff will incorporate by reference NEI 17-04, Revision 1 (NEI 2019), into NRC guidance to help subsequent license renewal applicants identify and consider new and significant information with respect to prior SAMA analyses as part of the LR GEIS update. Per previous Commission direction, the NRC staff will also incorporate NEI 17-04, Revision 1, in its update of Regulatory Guide 4.2, Supplement 1, “Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications” (NRC 2013).*

C.10 Comments Concerning Cumulative Impacts

Comment: One commenter stated the “CRST [Cheyenne River Sioux Tribe] opposes all uranium mining in Treaty Territory.” In addition, the commenter asserted that the cumulative environmental effects from uranium mining should not be limited to one specific project but all uranium projects within a region and that Federal agencies should consider the long-term environmental effects on air and water quality.

Comment: (2-2)

Response: *The LR GEIS identifies and evaluates environmental impacts that could occur as a result of renewing commercial nuclear power plant licenses. The generic environmental effects of uranium mining are discussed in the LR GEIS. However, the LR GEIS does not address the site-specific environmental impacts of uranium mining, including in situ uranium recovery facilities, uranium mining sites (which are not regulated by the NRC), or other aspects of the uranium fuel cycle. As indicated in Table B-1 of the regulations, cumulative impacts is a*

Category 2 issue requiring a site-specific review for each nuclear plant. The NRC staff will consider the commenter's suggestions for improvements to the NEPA process for future license renewal environmental reviews, and the Commission will ultimately determine whether these changes will be incorporated.

C.11 General Comments in Support of the LR GEIS

Comment: One commenter agrees with the NRC's observation that the LR GEIS has been effective in focusing NRC resources and increasing the efficiency of the environmental review process. The commenter also supports NRC's efforts to update the LR GEIS and codify the update in a final rule.

Comment: (6-1)

Response: *The NRC appreciates the commenter's support of the LR GEIS and its use and effectiveness in focusing the NRC's resources on important license renewal environmental impact issues during license renewal environmental reviews. This comment did not provide any information for consideration in updating the LR GEIS and rule.*

Comment: One commenter expressed support for nuclear power plants and the vital role they play in maintaining electrical grid stability, supporting the economy, and ensuring the availability of technological expertise and infrastructure necessary for the U.S. to be a leader in nuclear technology innovation and compete in the global marketplace. For these reasons, the commenter noted, an efficient NRC license renewal process remains essential.

Comment: (6-2)

Response: *The NRC acknowledges the commenter's support for nuclear power and the importance of an efficient license renewal process. This comment did not provide any information for consideration in updating the LR GEIS and rule.*

Comment: A commenter agrees with the NRC's assessment in the LR GEIS that specific and cumulative environmental impacts on biological and cultural resources cannot be addressed generically.

Response: *As indicated in Table B-1 of the regulations, historic and cultural and ecological resources are Category 2 issues because cultural and ecological conditions are different at each nuclear plant site. This comment did not provide any information for consideration in updating the LR GEIS and rule.*

C.12 General Comments in Opposition to the LR GEIS

Comment: One commenter suggested that streamlining the review process by categorizing land, air, and water impacts as generic or common is a tactic to "streamline" the review process and is "not enough." The commenter suggests there should be extensive measures taken by the NRC and the U.S. Environmental Protection Agency (EPA) to consider the impacts or effects on the environment on land, air, and water quality for all nuclear plants.

Comment: (2-1)

Response: *The LR GEIS was developed and has been updated to establish an ever more effective license renewal review process. It presents the results of a systematic evaluation of the environmental consequences of renewing an operating license and operating a nuclear power plant for an additional 20 years. Environmental issues that could be resolved generically are addressed in the LR GEIS. Environmental issues unique to a nuclear plant site or facility or that vary from site to site are evaluated at the time of license renewal. In the license renewal review process, these environmental issues are addressed in a nuclear plant site-specific supplement to the generic environmental impact statement.*

The LR GEIS allows the staff to focus on environmental issues that are important to the public at a nuclear plant site. This is an appropriate and effective use of “tiering” and consistent with CEQ regulations that implement NEPA.

Environmental issues that were addressed generically (e.g., land use and air quality) are not reevaluated in nuclear plant site-specific supplements to the LR GEIS, unless new and significant information is identified during the review. During license renewal environmental reviews, NRC staff makes a concerted effort to determine whether new and significant information exists that would change the generic conclusions for land, air, and water quality in the LR GEIS. This comment did not provide any information for consideration in updating the LR GEIS and rule.

C.13 Comments Concerning Issues Outside Scope

Comment: One commenter expressed concern with the NRC’s NHPA Section 106 process for the proposed Dewey-Burdock in situ Uranium Recovery Project in Fall River and Custer Counties, South Dakota. The commenter stated the Cheyenne River Sioux Tribe opposes the NRC issuing new, renewal, or expansion permits to international and national uranium companies for the construction and expansion of new uranium mining sites because it will adversely impact air and water quality. The commenter also suggested that, in reviewing the LR GEIS, the NRC may be attempting to limit the environmental and cultural review of uranium mining.

Comment: (2-4)

Response: *The comment concerning the proposed Dewey-Burdock in-situ Uranium Recovery Project is outside the scope of the LR GEIS review and update. The staff’s review of the LR GEIS for possible update is not an attempt to limit the environmental and cultural review of uranium mining. The purpose for the LR GEIS is to identify and assess environmental impacts that are expected to be generic to license renewal reviews at each operating nuclear power plant. The LR GEIS also discusses the generic effects of the uranium fuel cycle, including mining and milling. The LR GEIS, however, does not address the site-specific environmental effects and historic and cultural reviews that occur following a specific request to license an in-situ uranium milling facility, uranium mining site (which are not regulated by the NRC), or other components of the nuclear fuel cycle. The reviews for specific nuclear fuel cycle facility licenses are conducted separately from nuclear power plant license renewal reviews. This comment did not provide any information for consideration in updating the LR GEIS and rule.*

D. References

10 CFR Part 51. *Code of Federal Regulations, Title 10, Energy, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."*

36 CFR Part 800. *Code of Federal Regulations*, Title 36, *Parks, Forests, and Public Property*, Part 800, "Protection of Historic Properties."

40 CFR Parts 1500–1508. *Code of Federal Regulations*, Title 40, *Protection of Environment*, Subchapter A, "National Environmental Policy Act Implementing Regulations."

78 FR 37281. June 20, 2013. "Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses." Final Rule, *Federal Register*, Nuclear Regulatory Commission.

82 FR 2402. January 9, 2017. "Tribal Policy Statement." *Federal Register*, Nuclear Regulatory Commission.

84 FR 30097. June 26, 2019. "Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions." *Federal Register*, Council on Environmental Quality.

85 FR 43304. July 16, 2020. "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act." Final Rule, *Federal Register*, Council on Environmental Quality.

85 FR 47252. August 4, 2020. "Notice of Intent To Review and Update the Generic Environmental Impact Statement for License Renewal of Nuclear Plants." *Federal Register*, Nuclear Regulatory Commission.

DOE (U.S. Department of Energy). 2019. *A Graded Approach for Evaluating Radiation Doses to Aquatic and Terrestrial Biota*. DOE-STD-1153-2019, Washington, D.C. Available at <https://www.standards.doe.gov/standards-documents/1100/1153-astd-2019/@@images/file>.

Endangered Species Act of 1973. 16 U.S.C. § 1531 *et seq.*

Magnuson-Stevens Fishery Conservation and Management Act. 16 U.S.C. § 1801 *et seq.*

National Environmental Policy Act of 1969 (NEPA), as amended. 42 U.S.C. § 4321 *et seq.*

National Historic Preservation Act. 54 U.S.C. § 300101 *et seq.*

National Marine Sanctuaries Act, as amended. 16 U.S.C. § 1431 *et seq.*

National Research Council. 2006. *Health Risks from Exposure to Low Levels of Ionizing Radiation: BEIR VII Phase II*. Washington, D.C. <https://doi.org/10.17226/11340>.

NEI (Nuclear Energy Institute). 2019. *Model SLR New and Significant Assessment Approach for SAMA*. NEI 17-04, Revision 1, Washington, D.C. ADAMS Accession No. ML19318D216.

NRC (U.S. Nuclear Regulatory Commission). 2002. *Final Generic Environmental Impact Statement of Decommissioning of Nuclear Facilities: Regarding the Decommissioning of Nuclear Power Reactors*. NUREG–0586, Supplement 1, Volumes 1 and 2, Washington, D.C. ADAMS Accession Nos. ML023470327, ML023500228.

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