



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

October 20, 2016

MEMORANDUM TO: Kevin T. Folk, Acting Chief
Environmental Review and Project Management Branch
Division of License Renewal
Office of Nuclear Reactor Regulation

FROM: Nancy Martinez, Physical Scientist/RA/
Environmental Review and Project Management Branch
Division of License Renewal
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF SEPTEMBER 19, 2016 LICENSE RENEWAL
TELECONFERENCE BETWEEN THE U.S. NUCLEAR
REGULATORY COMMISSION AND THE NUCLEAR ENERGY
INSTITUTE ON SUBSEQUENT LICENSE RENEWAL
OPTIMIZATION

On September 19, 2016, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 2 public meeting teleconference and webinar with the Nuclear Energy Institute (NEI) License Renewal Environmental Task Force. The purpose of the teleconference was to discuss approaches for optimizing the effectiveness of the environmental reviews for power reactor subsequent license renewals (SLR). The public meeting notice and agenda were made publically available under NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML16258A484. The NRC and NEI prepared slides for the teleconference that were broadcast via GoToWebinar. NEI presentation slides are available under ADAMS Accession No. ML16258A067, and NRC presentation slides are available under ADAMS Accession No. ML16258A066. The public was invited to listen to the meeting, view presentation slides via a webinar link, and was given an opportunity to communicate with the NRC after the business portion, but before the meeting was adjourned. Members of the public listened in on the telephone, but had no questions or comments. One question was submitted via the webinar interface pertaining to the availability of the presentation slides on ADAMS. NRC staff notified the attendees that the meeting slides were available on ADAMS and provided the ADAMS Accession Numbers. Post-public meeting teleconference, the NRC staff received a question via e-mail pertaining to the NRC's presentation on Replacement Power Alternatives. On October 11, 2016, NRC staff responded to this inquiry; the question and response is publically available under ADAMS No. ML16286A479.

The major areas of discussion are summarized as follows:

I. Opening Remarks

The public meeting began with brief opening remarks by the NRC and NEI, followed by introductions. NRC staff summarized that the public meeting teleconference and webinar were a continuation of a May 19, 2016, NRC Category 2 public meeting with representatives of NEI's License Renewal Environmental Task Force (ADAMS Accession No. ML16130A666). During the May 19, 2016, public meeting, NRC and NEI presented a list of items for optimizing the effectiveness of environmental reviews for power reactor SLRs and agreed to review the items on the lists, determine those items that should be discussed further, and hold a future meeting on those items (meeting summary available under ADAMS Accession No. ML16154A011).

II. Conducting More Efficient Endangered Species Act Section 7 Consultations

NRC staff described that NRC's review of an SLR application may require Endangered Species Act (ESA) section 7 consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) (collectively, the Services). The NRC staff identified and proposed 4 actions to increase the efficiency and effectiveness of future consultations: 1) the NRC staff will develop an SLR ESA section 7 consultation workshop; 2) NRC staff and the applicant should engage early with FWS and/or NMFS; 3) the applicant should provide updated biological surveys; and 4) the NRC and applicant should designate points of contact.

In response to the NRC staff's four proposed actions, NEI welcomed an SLR ESA section 7 consultation workshop. NEI clarified that in the past, applicants have attempted to engage early with NMFS and/or FWS to request input on information needs prior to submitting a license renewal application to the NRC; however, NMFS and/or FWS has not been responsive. NRC staff acknowledged that since consultation is between the Federal agency (in this case the NRC) and the Services, and not the applicant and the Services, the Services may not respond directly to applicants.

The NEI representative identified that the NRC has previously delayed the issuance of a license renewal to obtain biological sampling data. NEI identified and recommended three actions for the NRC to increase the efficiency of future consultations: 1) initiate consultations early; 2) accelerate NRC staff reviews for resource areas requiring formal consultation with other Agencies; and 3) establish criteria for data needs regarding ongoing biological sampling activities prior to finalizing an environmental impact statement. NEI asked whether an applicant can engage the NRC staff regarding ESA section 7 consultation prior to submitting an SLR application. NRC staff clarified that applicants can request pre-application meetings to discuss survey information and suggested that this be one of the topics to focus on during the SLR ESA section 7 workshop.

III. Pre-application Discussions with Applicant on Environmental Topics

NRC staff stated that pre-application meetings can improve the efficiency of license renewal reviews pertaining to new site-specific information or information an applicant would like to discuss with the NRC prior to submitting an application. NRC staff provided

examples on topics that an applicant should consider when determining whether to request a pre-application meeting with the NRC, including changes to environmental conditions at the power plant site, updating environmental survey information, or anticipated consultations with environmental agencies.

NEI stated that they are in agreement that pre-application meetings would be beneficial. NEI representatives identified that areas/topics that would be beneficial to have pre-application meetings would include the applicant's assessment of new and significant information and acceptability of an applicant's environmental report for SLR, as these could avert an application not being accepted by the NRC. The NRC staff stated that early identification of new and significant information and the process followed to assess such information would be helpful in the scoping process and in focusing the NRC staff's independent review.

IV. Expectations for Incorporation by Reference in an Environmental Report

NRC staff stated that NRC regulations, 10 CFR 51.53 and Appendix A to Subpart A of Part 51, allow for the incorporation by reference (IBR) of any information contained in a prior environmental report or supplement including information in a final environmental document previously prepared by the NRC staff. NRC staff stated that when information is incorporated by reference in the applicant's environmental report, a brief summary of the specific information incorporated should be provided and the chapter and section of the incorporated reference information should be clearly identified.

NEI stated that they were seeking clarification on the types of documents that can be incorporated by reference in applicant's environmental reports. NEI stated that industry would like to continue to use a similar approach as is currently used by NRC in incorporating by reference information from NUREG-1437 in supplementing environmental impact statements. NEI stated that the industry would like to incorporate by reference information from previous environmental reports, supplemental environmental impact statements, and generic environmental impact statements.

V. Replacement Power Alternatives

NRC staff presented background information on the consideration of replacement power alternatives from the 1996 rule on Environmental Review for Renewal of Nuclear Power Plant Operating Licenses (71 FR 28472). NRC staff stated that for subsequent environmental impact statements, the range of alternatives will continue to be focused on a reasonable range of alternatives based on energy portfolio trends, utility integrated resource plans, or regional transmission organization planning documents.

NEI stated that energy portfolio trends, utility integrated resource plans, economically viable alternatives, and those alternatives not previously considered in the first license renewal environmental review should be considered when identifying a reasonable range of replacement power alternatives. NEI further stated that they would like to propose that environmental reports developed for SLR assess at least three (but no more than five) replacement power alternatives.

VI. Conclusions and Next Steps

The NRC staff and NEI Task Force participants agreed that further discussions on the logistics (date, time, etc.) for an SLR ESA section 7 consultation workshop would be held. NRC staff stated that they looked forward to continued discussions with NEI on optimizing SLR applications.

A list of attendees is included as the Enclosure.

VI. Conclusions and Next Steps

The NRC staff and NEI Task Force participants agreed that further discussions on the logistics (date, time, etc.) for an SLR ESA section 7 consultation workshop would be held. NRC staff stated that they looked forward to continued discussions with NEI on optimizing SLR applications.

A list of attendees is included as the Enclosure.

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OFFICIAL RECORD COPY

**Public Meeting Teleconference between the U.S. Nuclear Regulatory Commission and the
Nuclear Energy Institute**

September 19, 2016

LIST OF PARTICIPANTS

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