

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

SUBJECT: Provides comments re review of EA & FONSI for proposed conversion to improved standard TS for PVNGS, per NEPA, CEA NEPA Implementation Regulations at 40CFR1500-1508 & Section 309 of Clean Air Act. NEPA process related issues discussed.

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|--------------------------|----------|
| NOTES:STANDARDIZED PLANT | 05000528 |
| Standardized plant. | 05000529 |
| Standardized plant. | 05000530 |

NOTE TO ALL "RIDS" RECIPIENTS:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

50-528/529/530

April 3, 1998

United States Nuclear Regulatory Commission
Mr. Jack N. Donohew, Senior Project Manager
Project Directorate IV-1
Division of Reactor Projects -III/IV
Office of Nuclear Reactor Regulation
Washington, D.C. 20555-0001

Dear Mr. Donohew:

The U.S. Environmental Protection Agency (EPA) has reviewed an Environmental Assessment (EA) and finding of no significant impact (FONSI) for the **Proposed Conversion to the Improved Standard Technical Specifications for Palo Verde Nuclear Generating Station Units No. 1, 2 and 3, Maricopa County, Arizona**. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act. Based on our review, we have several NEPA process related issues to discuss.

The proposed action is a series of amendments to the Current Technical Specifications (CTS). According to the EA, the need for the proposed action is the recognition that safety in nuclear power plants would benefit from an improvement and standardization of the Technical Specification (TS). We presume that the need for the proposed action is to improve and standardize technical specifications to improve safety at nuclear power plants. If that is NRC's intended need, then the EA should state this in "plain language" [40 CFR 1500.4(d)].

The purposes of an EA are outlined at 40 CFR 1508.9. One of the main purposes is determination if a proposed action could result in significant effects on the human environment. It should also include a brief discussion of alternatives [40 CFR 1508.9(b)]. The Palo Verde EA does not provide any alternatives to the proposed action and states:

"Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendments, any alternatives with equal or greater environment impact need not be evaluated... The environmental impacts of the proposed action and the alternative action are similar."

Yet, the premise of the EA is that the proposed amendments would result in greater nuclear

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safety; therefore, the presented information could be interpreted as contradictory. EPA suggests that it would be more appropriate to contrast the proposed action against a no action alternative. In this way, NEPA requirements are met and the audience is provided a mechanism to gauge the relative impacts of the two alternatives. It would appear that the proposed action provides potentially positive environmental impacts, but this is not effectively emphasized in the EA, or contrasted against a no action alternative.

An EA should briefly explain why a proposed action would not have significant impacts. While we do not question the basis of your judgements, item two on page five of the EA serves as an example. The need for an "emergency action shutdown requirement" during a routine shutdown is proposed for elimination. NRC's statement could be interpreted by the public that, during routine shutdowns, the ability to respond to emergency situations would be lessened. This serves as a concrete example to illustrate the need for inclusion of concise statements stating why no significant impacts could result.

EPA also notes that the FONSI does not conform to CEQ regulations at 40 CFR 1508.13. A FONSI must include an explanation of why an action will not have a significant effect on the human environment.

In conclusion, some procedural-related changes, as suggested in this letter, could result in a better NEPA process. EPA has also noticed that the NRC has written a number of EA's regarding minor changes in operation or procedures at regulated nuclear facilities, within EPA's Region IX area. I would appreciate discussing with you how your agency determines when to prepare an EA and your NEPA related policies regarding operations at Nuclear Power Plants. The CEQ regulations at 40 CFR 1500.4 provide a range of options to agencies, allowing potential streamlining of the NEPA process.

We appreciate the opportunity to review the documents. For questions and further discussion, please contact me at (415) 744-1483, or at the letterhead address (code: CMD-2).

Sincerely,

A handwritten signature in cursive script, appearing to read "Karl Kanbergs".

Karl Kanbergs, Environmental Scientist
Federal Activities Office

MI: 002836/98-072

