

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Hazardous Waste & Radiation Management, 8th Floor
Radiation Section
625 Broadway, Albany, New York 12233-7255
Phone: (518) 402-8579 FAX: (518) 402-8646
Website: www.dec.state.ny.us

Rules and Directives Branch
12/25/03



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Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mailstop T-6 D 59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Notice of Intent To Prepare an Environmental Impact Statement for the License
Renewal of Nuclear Power Plants and To Conduct Scoping Process
(August 22, 2003, FR33209)
(Comment period extension published September 10, 2003, FR50811)

The New York State Department of Environmental Conservation has reviewed the
Generic Environmental Impact Statement For License Renewal Of Nuclear Power Plants
(NUREG-1437), Addendum 1, and Table B-1 of Appendix B to Subpart A of Part 51
in response to the above-referenced notice. We offer the following comments for the
United States Nuclear Regulatory Commission's (NRC) consideration:

Storage of Spent Fuel

Section 6.4.6.7 of the Generic EIS (GEIS) concludes, "On-site storage of spent
fuel during the term of a renewed operating license is a Category 1 issue." Therefore,
site-specific information on spent fuel storage is not provided in the Supplemental EIS
for individual plants. While there are generic aspects to on-site fuel storage that are
adequately discussed in the GEIS, we recommend that certain issues associated with the
on-site storage of spent fuels be addressed in the Supplemental EIS prepared for each
facility. These include the current status of storage capacity at a facility and the plans for
storage of the additional spent fuel to be generated during the term of the renewed
license. These are clearly impacts of continued operation and will vary from facility to
facility. The GEIS should not preclude the disclosure of this information during the
license renewal process by deeming all discussion of on-site storage as a Category 1
issue.

FRIDS = ADM-03

Call = B. Zakeman (BXZ)

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On-Site Storage of Low-Level Radioactive Waste

Regarding the potential for on-site storage of low-level radioactive waste (LLRW), on page 6-44 of Volume 1 the NRC states,

However, recognizing that the 5-year limit has not influenced the development of new waste disposal facilities and that the states continue to make slow progress, NRC has eliminated in its guidance any language that the 5-year term is a limit beyond which storage would not be allowed.

The NRC also states on page 6-54,

If compact and unaffiliated states are able to site disposal facilities and accept waste in normal increments (i.e., in accordance with the assigned allocations for each plant in the compact or unaffiliated state), there should be no significant issues or environmental impacts associated with interim storage of LLW generated by nuclear power plants with renewed licenses. . . . If off-site disposal facilities are unavailable to accept waste in normal increments, then on-site interim storage may have to take place longer than the 5-year time frame once envisioned by NRC, and additional on-site storage capacity may be needed.

The NRC has recognized in this document (page 6-56) that access to off-site disposal facilities may be uncertain for nuclear power plants during the period for which renewed licenses are granted, but states on page 6-55, "However, for most nuclear power plants, new LLW disposal facilities are scheduled to open well before the expiration date for current licenses."

Since the date of the GEIS finalization (1996), the situation regarding future capacity for LLRW disposal has changed. It can no longer be assumed that additional disposal facilities will be developed during the term of the renewed licenses. We recommend that the NRC update the discussion of on-site LLRW storage in the GEIS.

Security

NUREG-1437, Volume 1, Addendum 1 states the following on page A1-17:

On June 22, 1999, the Nevada Attorney General filed a petition with the Commission which requested the NRC to amend regulations governing safeguards for shipments of spent nuclear fuel against sabotage and

terrorism and to initiate a comprehensive assessment. In particular, the petition indicated that NRC should factor into its regulations the changing nature of threats posed by domestic terrorists, the increased availability of advanced weaponry and the greater vulnerability of larger shipping casks traveling across the country. If, as a result of reviewing this petition, the NRC reaches conclusions that are inconsistent with the results or assumptions in the present rulemaking, the Commission will need to revisit the analysis presented here.

This is the only reference to terrorists or terrorism in the document.

In the past two years, there has been a significant change in the potential for, and public concerns about, terrorist activities. We recommend that the GEIS acknowledge this change and address the implications for license renewal, as these issues are very likely to be raised in license renewal proceedings for individual plants. This should include not only spent fuel shipments, but also nuclear reactors and any storage facilities for on-site spent fuel and LLRW.

Thank you for the opportunity to comment.

Sincerely,



Barbara Youngberg
Chief, Radiation Section

cc: J. Spath, NYSERDA
A. Salame-Alfie, NYSDOH
G. Miskin, NYSDOL
D. White, NRC Reg. 1