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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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RULES AND REGULATIONS

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Mike Lesar, Chief
Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Lesar:

This letter provides comment from the State of New Jersey, Department of Environmental Protection, Bureau of Nuclear Engineering, to the Proposed License Renewal Interim Staff Guidance LR-ISG-2006-03 for preparing Severe Accident Mitigation Alternatives (SAMA) analyses.

Commissioner Gregory B. Jaczko recent dissent on a matter regarding AmerGen Energy Company, LLC Docket No. 50-0219-LR, "License Renewal for Oyster Creek Nuclear Generating Station" is germane to and should be included in the proposed license renewal interim staff guidance.

As stated by Commissioner Jaczko, "The NEPA terrorism issue is a significant matter that needs resolution. I believe the agency should conduct a review of the impacts of terrorist attacks on nuclear facilities as part of a NEPA analysis. More importantly, I believe continuing to refuse to consider the environmental effects of terrorist attacks will subject the agency to unnecessary judicial challenges. Thus, I am fully supportive of all efforts to give this matter the thorough and deliberate review warranted.

In addition, I believe that the current uncertainty surrounding the impact of this issue may lead to unnecessary confusion in the review of new reactor licenses. To eliminate this uncertainty, the agency should expeditiously develop a process to review terrorism issues as part of a NEPA analysis. This particular case presents a timely opportunity for the Commission to resolve these matters, providing clarity and certainty for the potential increase in licensing reviews the Commission may conduct in the next few years."

(BY A/C)

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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R.L. Emch (RLF)


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We concur with Commissioner Jaczko's statement and request that the NRC takes this opportunity to include, in the interim staff guidance, a review of the impacts of terrorist attacks on nuclear facilities as part of NEPA. This is an important public safety and public confidence issue.

In addition, we repeat our position, previously provided to the NRC in comments to the Oyster Creek draft SEIS, that the current Oyster Creek license renewal application SAMA analysis should fully comply with NEI 05-0, Rev. A, guidance.

Should you have any questions or need additional information, please contact Mr. Kent Tosch, Manager of the Bureau of Nuclear Engineering at (609) 984-7701.

Sincerely,



Jill Lipoti, Ph.D.
Director