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From: Maraglio, Matthew (DOS) [Matthew.Maraglio@dos.state.ny.us]
Sent: Wednesday, January 20, 2010 4:14 PM
To: Rulemaking Comments
Subject: NRC-2008-0608 Comments
Attachments: NYSDOS NRC EIS Comments.pdf

*RDB rec'd.
1/20/2010*

Please find attached NYS DOS's comments on the Generic EIS.

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*7/31/09
74FR38239
18*

*SUNSI Review Complete
Template = ADM-013*

*E-REDS = ADM-03
Edd = J.A. DAVIS (JXD10)*



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January 20, 2010

Annette L. Vietti-Cook
Secretary, U.S.
C/O Nuclear Regulatory Commission,
Washington, DC 20555-0001,
ATTN: Rulemakings and Adjudications Staff

Re: NRC proposed rule NRC-2008-0608
**Revisions to Environmental Review for
Renewal of Nuclear Power Plant Operating
Licenses**

Dear Ms. Vietti-Cook;

The Department of State (DOS) is responsible for administering New York State's Coastal Management Program (CMP) prepared pursuant to the Coastal Zone Management Act and the federal consistency provisions found at 15 CFR part 930. These provisions specify the procedures for federal consistency review of most federal actions within NYS's Coastal Area, including direct actions, funding assistance, and permitting or other authorization actions. The re-licensure of existing nuclear power plant within NYS's coastal area will require federal agency authorizations and as such, will be reviewed by DOS for its consistency with the CMP and all applicable policies contained therein. While DOS is interested in providing generic comments on the GEIS, we feel that future applicants should be directed to provide a signed Federal Consistency Assessment Form (FCAF) with the associated consistency certification, and all necessary data and information required to support the certification to DOS concurrently with federal submittals and be encouraged to preliminarily involve DOS as early in the planning phases of the proposed re-licensure as possible.

The majority of impacts that may occur as a result of a nuclear power plant re-licensure will be most effectively addressed in the site-specific supplemental environmental impact statements (SEIS) required by the NRC and will be reviewed by DOS as part of its consistency review.

Of the issues identified in the DGEIS as "small", DOS recommends that the following should be elevated to the moderate or large category and be required to be addressed in detail in a site-specific SEIS: Aesthetic impacts, surface-water use and quality, altered current patterns at intake and discharge structures, water use conflicts, groundwater use and quality, effects of cooling water discharge, gas super-saturation, and eutrophication, onsite storage of spent nuclear fuel, and offsite radiological impacts.

Aesthetic impacts: Large scale alterations may occur as a result of nuclear power plant re-licensure. For facilities that are proposed to be significantly altered, aesthetic impacts should be considered in a SEIS.

Surface-water use and quality: Re-licensure of a nuclear facility may perpetuate surface-water use and quality impacts that were not considered during, or new data may have become available since the original licensing of the facility. Re-licensure may also result in altered operating parameters that may affect water use or quality.

Altered current patterns at intake and discharge structures: Re-licensure may result in altered operating parameters or perpetuate effects that were not considered during the original licensing of a nuclear facility.

Water use conflicts: Water use conflicts may be exacerbated by continual water withdrawals at a nuclear facility, especially given population increases in the vicinity of existing facilities.

Groundwater use and quality: Aging facility infrastructure may contribute to groundwater quality impacts that may not have been present during the original licensing of the facility.

Effects of cooling water discharge, gas super-saturation, and eutrophication: Altered operating parameters or new information not available during the original licensing of a nuclear facility warrant further consideration of the effects of cooling water discharge in a SEIS.

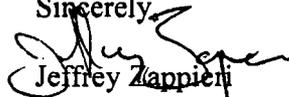
Onsite storage of spent nuclear fuel: Onsite storage of spent nuclear fuel was not considered during the original licensing of many nuclear facilities. Continued operation of a nuclear facility may exhaust space available for onsite storage and increase environmental risk attributable to onsite spent fuel storage. As such, onsite storage of spent nuclear fuel should be considered in a SEIS.

Offsite radiological impacts: Aging infrastructure may exacerbate offsite impacts attributable to radiological influences. Differing physical characteristics of nuclear facility sites warrant consideration of offsite radiological impacts in a SEIS.

The original licensing of most nuclear facilities that may be utilizing procedures proposed in this rule will likely have been conducted over 30 years ago. Significant new information, altered population patterns, changing societal values, and unforeseen effects are likely to have occurred since a facility was first licensed and as such, significant analysis and careful consideration is needed on a site specific basis to determine the appropriateness of re-licensure. It may be advantageous to consider as many potential impacts as practical in the context of a site specific SEIS given public, and state and federal agency scoping input.

DOS intends to review site specific supplemental environmental impact statements for re-licensure of nuclear facilities within NYS's coastal area and will require an applicant to provide a consistency certification and all necessary data and information pursuant to 15 CFR part 930. The NRC should not consider a lack of comment on a specific topic contained within the above referenced proposed rule and associated DGEIS to indicate concurrence with said topic, nor should these comments be construed as a consistency concurrence or objection.

Sincerely,



Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Coastal, Local Government
and Community Sustainability