



(59FR 2542)

New York State Energy Planning Board

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USMRC

Francis J. Murray, Jr.
Chairman

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Peter A. Bradford

March 7, 1994

Thomas C. Jorling

Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Selin:

Thank you for the opportunity to provide further comments to the Commission regarding its proposal to establish new requirements for environmental review of applications to renew operating licenses for nuclear power plants.

In initial comments back in 1992, New York expressed concern that the NRC's own responsibilities under the National Environmental Policy Act (NEPA) to examine alternatives to license renewal could not be satisfied by generic conclusions reached in preparing a Generic Environmental Impact Statement. We noted that it was not realistic to attempt to guess as much as 20 years in advance of license expiration about costs and alternatives that would be available in a State at that time. We also expressed our strong concern that in carrying out its NEPA obligations, the NRC in no way encroach on the traditional jurisdiction of the States regarding the regulation of utilities for issues other than nuclear safety issues.

We appreciate the attempts made by NRC Staff to address the concerns raised by New York and other states in their initial comments. However, we do not believe that our major concerns are adequately resolved by the modifications and four options discussed in the Staff Discussion Paper.

As discussed in the attached comments which we have filed with the NRC Staff, New York proposes a new "Option 5", in lieu of the four options presented by Staff, which would allow the NRC to satisfy its NEPA obligations without intruding on the States' historic role as regulator of utility resource decisions for all issues other than nuclear safety. We urge the NRC to modify its proposed rules and adopt New York's proposed "Option 5" in its entirety.

Sincerely,

Francis J. Murray, Jr.
Commissioner
State Energy Office

Two Rockefeller Plaza • Albany, NY 12223 • (518) 473-4375

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