

August 24, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-202

TITLE: FINAL RULE - "CHANGES TO REQUIREMENTS FOR ENVIRONMENTAL REVIEW FOR RENEWAL OF NUCLEAR POWER PLANT OPERATING LICENSES (10 CFR PART 51)"

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of August 24, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of August 24, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-202

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
COMR. DICUS	X				X	8/20/99
COMR. DIAZ	X				X	8/19/99
COMR. McGAFFIGAN	X				X	8/20/99
COMR. MERRIFIELD	X				X	8/18/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on August 24, 1999.

Commissioner Comments on SECY-99-202

Chairman Dicus

I approve publishing the final rule as proposed by staff and release of the supporting addendum to the GEIS, subject to the attached changes to the FRN, draft press release, and letters to Congress.

Commissioner Diaz

To ensure that the public and the Congress are clearly informed that this action has no bearing on the potential for licensing a repository at Yucca Mountain, the press release, the summary section of the *Federal Register* notice, and the Congressional letters should be revised to reflect this fact.

Commissioner McGaffigan

I approve publication of the final rule amending [10 CFR Part 51](#) environmental protection requirements for nuclear power plant license renewal and the release of NUREG-1437, Volume 1, Addendum 1 subject to the following comments and edits.

The following text should be inserted at the bottom of page 41 of the Federal Register notice (FRN) and at the bottom of page 50 of the Addendum (it should appear as the last paragraph to the response on the sabotage comment):

"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."

The discussion in the first full paragraph on page 26 of the Addendum regarding the "5-year cooling period" for spent fuel should be enhanced to point out that 5 years is an extremely conservative estimate. For example, there is almost 40,000 tons of spent fuel in storage now, some of which has been in storage for decades. At the earliest, if Yucca Mountain were found suitable and if DOE were successful in obtaining an NRC license, it will be at least 11 years from now until Yucca Mountain would be ready to accept spent fuel for storage. It would take many years to work off the backlog of stored spent fuel much less the spent fuel that will be generated in the intervening years.

Additional suggested edits to the FRNs, Addendum, and the draft press release are indicated on the attached pages. I also concur with Commissioner Merrifield's suggested edits to the Congressional letters. Where I have suggested edits to either the FRN or Addendum, the staff should ensure that conforming changes are made to ensure consistency between the documents, particularly the "comment and response" sections.

Commissioner Merrifield

I approve the staff's proposal to (1) publish the final rule amending environmental protection requirements for the license renewal process and (2) release the supporting addendum to the generic environmental impact statement subject to the following comments:

- (1) The staff should revise the Federal Register Notice (p13) to reflect that the Department of Energy's draft EIS for a repository has been published and is out for comment. Although not essential, the staff should similarly revise NUREG 1437, addendum 1 if practical.
- (2) While the staff adequately explained in the Federal Register Notice that this rulemaking and the supporting addendum to the generic environmental impact statement are not related to a decision regarding licensing of Yucca Mountain as a repository, the letters to Congress should be revised to reflect the same sensitivity. The staff should revise the letters in a manner consistent with the attached markups.