

## Response to Comments received from the Public regarding the posting of Form GC-859 60-day Federal Register Notice (FRN)

---

Response to New York State Department of Public Service (“DPS”) question(s)/comment(s):

- **Original Communication**

**From:** [Sipos, John \(DPS\)](#)  
**To:** [Gospodarczyk, Marta](#)  
**Cc:** [Black, Peter \(DPS\)](#); [Powers, Cini \(DPS\)](#)  
**Subject:** submission of comments re 82 Fed. Reg. 34940 (July 27, 2017)  
**Date:** Tuesday, September 26, 2017 12:16:19 PM  
**Attachments:** [2017 09 26 DPS cover letter.pdf](#)  
[2017 09 25 NYS DPS comment to EIA SNE survey \(final\).pdf](#)

---

Ms. Marta Gospodarczyk:

Enclosed please find comments from the NYS Department of Public Service in response to the US Energy Information Administration’s notice published in the July 27, 2017 Federal Register, see 82 Fed. Reg. 34940 (July 27, 2017).

Respectfully submitted,

*John Sipos*

John Sipos  
Deputy General Counsel  
New York State Department of Public Service  
3 Empire State Plaza  
Albany, New York 12223-1350

## Response to Comments received from the Public regarding the posting of Form GC-859 60-day Federal Register Notice (FRN)

---



**Department of  
Public Service**

**Public Service Commission**

**John B. Rhodes**  
Chair and  
Chief Executive Officer

**Gregg C. Sayre**  
**Diane X. Burman**  
**James S. Alesi**  
Commissioners

**Thomas Congdon**  
Deputy Chair and  
Executive Deputy

**Paul Agresta**  
General Counsel

**Kathleen H. Burgess**  
Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
[www.dps.ny.gov](http://www.dps.ny.gov)

**Marta Gospodarczyk**  
Office of Electricity, Coal, Nuclear, and Renewables Analysis  
EI-34, Forrestal Building  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, DC 20585

Re: EIA Notice and Request for Comments  
82 Federal Register 34940 (July 27, 2017)  
Form GC-859 *Nuclear Fuel Data Survey*, OMB Control Number 1901-0287

Dear Ms. Gospodarczyk:

Enclosed please find the comments of the New York State Department of Public Service concerning the action under consideration by the Energy Information Administration.

Please contact me if you have questions or cannot open the attachment.

Respectfully submitted,

*John Sipos*

**John Sipos**  
Deputy General Counsel  
Peter Black  
Excelsior Fellow  
NYS Department of Public Service  
(518)-474-2510

via electronic mail [marta.gospodarczyk@eia.gov](mailto:marta.gospodarczyk@eia.gov)

## Response to Comments received from the Public regarding the posting of Form GC-859 60-day Federal Register Notice (FRN)

---

### Introduction

The New York State Department of Public Service (“DPS”) respectfully submits the following comments to the United States Energy Information Administration (“EIA”) in response to the recent notice published in the Federal Register soliciting comments regarding EIA’s proposal to modify and reorganize its Nuclear Fuel Data Survey (form GC-859). *See Agency Information Collection Activities: Information Collection Extension*, 82 Fed. Reg. 34,940 (July 27, 2017). EIA’s reporting program collects information about the type and quantity of spent nuclear fuel generated and stored in each State. DPS supports the objective behind the information collection program; however, DPS requests that EIA take steps to make the program more transparent and useful to States and communities that host spent fuel storage facilities.

### Statement of Interest

The New York State Public Service Commission (“PSC”) and the DPS oversee, among other things, electric generators within the State of New York. Starting in 1956, the federal government has licensed various nuclear power reactors in New York State. At present, New York is home to six operating nuclear power reactors and two reactors which have shut down. Those power reactors store spent nuclear fuel in spent fuel pools and, more recently, in dry cask storage facilities. It is important for PSC and DPS to have access to accurate, informative, timely, and complete information regarding spent nuclear fuel located within New York.

### Discussion

EIA periodically collects data from commercial nuclear power facilities in the U.S. regarding nuclear fuel use and spent fuel discharges. Those facilities report the information to EIA via the agency’s form GC-859. Information collected includes the physical composition and storage arrangements for spent fuel, isotope content, dates of use, and burnup data for spent fuel assemblies. As a general matter, DPS has no objection to EIA’s proposed modifications and reorganization of the survey. However, EIA has opportunities in this action to enhance the usefulness and accuracy of its information reporting process significantly, promoting better transparency for host States and communities. DPS urges EIA to adopt such improvements.

### Reporting Timeframe

The survey data were collected annually from 1983 through 1995, and three times since 1996. In its Federal Register notice, EIA proposes to collect the survey information once every three years. DPS supports EIA’s proposal to collect these data on a regular, recurring basis. Non-periodic information collection (as EIA has done since 1996) is insufficient to guarantee that DOE, host States, and interested communities and citizens have access to up-to-date information regarding spent nuclear fuel. In addition to the proposed regularized tri-annual reporting requirement, DPS further recommends requiring a supplemental report to be submitted whenever there are proposed changes to the ownership of a facility/site or major changes related to irradiated fuel at a site. Such reporting should occur *before* such proposed changes are authorized or occur. Affected

## Response to Comments received from the Public regarding the posting of Form GC-859 60-day Federal Register Notice (FRN)

---

States and communities have a right to know the current inventory and characteristics of spent nuclear fuel at a facility and site when such major changes are under consideration; they should not be forced to wait up to three years to receive such critical information, which could be after such a change has been approved and occurred. Moreover, all such reports should be delivered to the host States and municipalities – in addition to EIA.

### Cumulative Cycle Burnup (Section C.1.2)

EIA proposes that the submission of data regarding cumulative cycle burnup for each fuel assembly remain voluntary. However, DPS recommends that reporting of cumulative cycle burnup information be made mandatory for all respondents. The temperature, radioactivity, and physical makeup of irradiated fuel is dependent on the cumulative cycle burnup. Fuel cladding of higher burnup fuel could become brittle, which could impact in-State storage and transportation. All these factors must be taken into account when designing, approving, and monitoring decommissioning strategies, pool and dry cask storage systems, and transport pathways for spent irradiated fuel in each host State.

Under DOE's Standard Contract for the Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (10 C.F.R. § 961) Appendix F, power plants and generators are required to provide cumulative cycle burnup information 60 days before the shipment of the spent fuel from a reactor site to the national repository. DOE has yet to construct and open a permanent national high-level waste repository. When removal to a permanent disposal facility becomes feasible, this 60-day period will not provide sufficient time for the EIA to review this information. Moreover, delaying such reporting for decades precludes host States from understanding the nature of spent nuclear fuel assemblies currently stored within their boundaries. EIA should instead require the burnup data to be reported each survey period. This would provide cumulative cycle burnup information in advance, which would allow for better site awareness and planning – as well as inform transportation protocols once shipments can be made to a permanent repository.

### **Conclusion**

Host States and citizens have the right to transparency regarding spent nuclear fuels being stored in their communities. EIA's proposed changes to its Nuclear Fuel Data Survey represent an attempt toward more robust accountability and data availability regarding the storage of nuclear fuel. The DPS recommends that EIA incorporate the recommendations contained here so that host States can access key data regarding nuclear waste located within their borders.

Respectfully submitted,

*Cini Powers*

Cini Powers  
NYS Department of Public Service

*Peter Black*

Peter Black  
Excelsior Fellow  
NYS Department of Public Service

## Response to Comments received from the Public regarding the posting of Form GC-859 60-day Federal Register Notice (FRN)

---

- Response to New York State Department of Public Service

**From:** [Gospodarczyk, Marta](#)  
**To:** [Sipos, John \(DPS\)](#)  
**Cc:** [Black, Peter \(DPS\)](#); [Powers, Cini \(DPS\)](#)  
**Subject:** RE: submission of comments re 82 Fed. Reg. 34940 (July 27, 2017)  
**Date:** Wednesday, November 15, 2017 4:30:30 PM  
**Attachments:** [image003.png](#)

---

Dear Mr. Sipos,

Thank you for submitting your comments on the proposed Form GC-859, "Nuclear Fuel Data Survey."

All of your comments and suggestions were carefully reviewed and addressed.

DOE plans to maintain a triennial information collection cycle for Form GC-859.

The Nuclear Waste Policy Act of 1982 (42 U.S.C. §10101 et seq.) authorizes the U.S. Department of Energy (DOE) to enter into Standard Contracts (10 CFR §961) with all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin. In accordance with the Standard Contracts, Form GC-859 Nuclear Fuel Data Survey collects information on nuclear fuel use and spent fuel discharges from all utilities that operate commercial nuclear reactors and from all others that possess irradiated fuel from commercial nuclear reactors. The data collected includes reactor license information, reactor cycle data, data on permanently discharged fuel, historical assembly cycle data, special fuel forms, data on canisters and their contents, pool and dry storage capacities and inventories, nonfuel components data, and data on Greater Than Class C (GTCC) Low-Level Radioactive Waste (LLRW).

The U.S. Energy Information Administration (EIA) is the statistical and analytical agency of DOE and it is EIA's responsibility to collect Form GC-859 Nuclear Fuel Data Survey data. The Nuclear Regulatory Commission (NRC) regulates commercial nuclear power plants and other uses of nuclear materials. A transfer of a license issued by the NRC, such as an operating license for a commercial nuclear power reactor, requires NRC's approval as do any changes or modifications to a reactor or storage site licensing basis. Licensing information is publically available on the NRC website ([www.nrc.gov](http://www.nrc.gov)).

Data collected on spent nuclear fuel with Form GC-859 is publically available on the EIA website ([https://www.eia.gov/nuclear/spent\\_fuel/](https://www.eia.gov/nuclear/spent_fuel/)) and access to the detailed database is available on request from EIA.

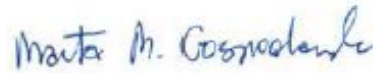
Cumulative cycle burnup information is required in Standard Contract (10 CFR §961) Appendix F and is due "...not later than sixty (60) days prior to the schedule transportation date" so DOE cannot require respondents to provide this information in the Form GC-859 survey.

Should you have any questions, please do not hesitate to call me at 202-586-0527 or email me at [marta.gospodarczyk@eia.gov](mailto:marta.gospodarczyk@eia.gov).

## Response to Comments received from the Public regarding the posting of Form GC-859 60-day Federal Register Notice (FRN)

---

Best regards,



---

**Marta M. Gospodarczyk**  
Industry Economist  
Spent Nuclear Fuel Program Manager  
Office of Coal, Nuclear and Renewable Analysis  
T: 202.586.0527 - E-mail: [marta.gospodarczyk@eia.gov](mailto:marta.gospodarczyk@eia.gov)  
U.S. Energy Information Administration  
1000 Independence Ave • Washington, DC 20585



---

**From:** Sipos, John (DPS) [mailto:[John.Sipos@dps.ny.gov](mailto:John.Sipos@dps.ny.gov)]  
**Sent:** Tuesday, September 26, 2017 12:16 PM  
**To:** Gospodarczyk, Marta <[Marta.Gospodarczyk@eia.gov](mailto:Marta.Gospodarczyk@eia.gov)>  
**Cc:** Black, Peter (DPS) <[Peter.Black@dps.ny.gov](mailto:Peter.Black@dps.ny.gov)>; Powers, Cini (DPS) <[Cini.Powers@dps.ny.gov](mailto:Cini.Powers@dps.ny.gov)>  
**Subject:** submission of comments re 82 Fed. Reg. 34940 (July 27, 2017)

Ms. Marta Gospodarczyk:

Enclosed please find comments from the NYS Department of Public Service in response to the US Energy Information Administration's notice published in the July 27, 2017 Federal Register, see 82 Fed. Reg. 34940 (July 27, 2017).

Respectfully submitted,

*John Sipos*

John Sipos  
Deputy General Counsel  
New York State Department of Public Service  
3 Empire State Plaza  
Albany, New York 12223-1350