

August 18, 2000

Ms. Diane D'Arrigo
Radioactive Waste Project Director
Nuclear Information and Resource Service
1424 16th Street NW., Suite 404
Washington, DC 20036

Mr. Paul Gunter
Reactor Watchdog Project Director
Nuclear Information and Resource Service
1424 16th Street NW., Suite 404
Washington, DC 20036

SUBJECT: REQUEST FOR 6-MONTH EXTENSION ON THE COMMENT PERIOD FOR
THE SCOPING OF THE SUPPLEMENT TO THE FINAL GEIS, NUREG-0586,
ON DECOMMISSIONING

Dear Ms. D'Arrigo and Mr. Gunter:

I have been asked to respond to your e-mail of July 11, 2000, to Chairman Meserve of the U.S. Nuclear Regulatory Commission (NRC). Your e-mail addresses the NRC staff's efforts to update the portion of the 1988 Final Generic Environmental Impact Statement (GEIS) on Decommissioning, (NUREG-0586;1988) pertaining to power reactors. During the period from March through June 2000, the NRC staff held a series of public scoping meetings throughout the United States to solicit public input to better define the scope of the update. As you are aware, the NRC published a *Federal Register* Notice on March 14, 2000, that requested comments from the public on the scope of the document. In that *Federal Register* notice, the staff requested that comments from the public on the scope of the document be submitted by July 15, 2000.

Your e-mail of July 11, 2000, requests a 6-month extension in the comment period beyond July 15, 2000. I have decided not to amend the March 14, 2000, *Federal Register* notice and thus, not formally extend the comment period. The July 15, 2000, date was set to allow our contractor to begin a detailed analysis of potential impacts related to reactor decommissioning with a fairly well-defined scope. Based on the comments received to date, and the results of the public scoping meetings, the staff is confident that the significant environmental issues related to decommissioning of power reactors have been raised and will be included in our analysis. The NRC staff will continue, however, to accept comments on the scope of the update at any time. Obviously, as the staff gets closer to publication of the draft, currently scheduled for January 2001, we would be more likely to defer any changes in the scope of the document until after the draft is published. Comments would be incorporated in the final update. I would also invite you to visit the GEIS Web site that the staff has set up to facilitate public involvement with the process. The Web site is:

www.nrc.gov/NRC/REACTOR/DECOMMISSIONING/GEIS/index.html

You also raised a number of other issues and requested clarification on the staff's efforts to update the 1988 GEIS on decommissioning. The staff's response to these issues is provided in the enclosure to this letter.

Thank you for informing us of your concerns. Should you have any additional questions, or if we can provide you any further assistance in these matters, please contact Dr. Carl Feldman of my staff at 301-415-2916.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: Staff Response on Decommissioning

STAFF RESPONSE TO SCOPING COMMENTS

(a) Comment:

Request for 6-month extension of the scoping comment period

Response:

The scoping process is part of the NRC's staff effort to update the Generic Environmental Impact Statement (GEIS) which began last spring and is scheduled to take at least 2 years to complete. During this effort there will be many additional opportunities for public comment, in addition to the four scoping meetings that have just been conducted. Moreover, the staff's goal is to develop a Draft GEIS Supplement by early next year. Once that is completed, it will be issued for public comment and the comments received will be factored into the development of the final version of this supplement. Based on these considerations, opportunities are still available for public comment on the GEIS update, including its scope.

Although the staff has asked the public to provide comments on the scope of the update by July 15, 2000, the staff will be receptive to any comments on the scope, or any other issue related to the proposed update, up until the Draft Supplement is nearing publication. Obviously, as the staff gets closer to publication of the draft, the staff would be more likely to defer any changes in the scope of the document until after the draft is published. The suggestion would then be considered during the development of the final update.

To facilitate public comment on any aspect of this GEIS development, an NRC Web site has been established at:

www.nrc.gov/NRC/REACTOR/DECOMMISSIONING/GEIS/index.html.

The NRC staff point of contact for the GEIS is Dino C. Scaletti, 301-415 -1104, dcs1@nrc.gov.

Based on the above discussion, there is no reason to amend the March 14, 2000, *Federal Register* notice extending the comment period for an additional 6 months.

(b) Comment:

Request for clarification of the motivation and intent of the scoping

Response:

The GEIS on decommissioning was completed in 1988 based on an information base that was mostly developed before 1982. Since that time (1) there have been advances in

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decommissioning technology, (2) disposal of radioactive low-level waste has become more difficult to accommodate and its costs have increased significantly, (3) regulatory changes affecting decommissioning have occurred, and (4) decommissioning activities continue to increase as the nuclear reactor power industry matures. Also, the National Environmental Policy Act (NEPA) requires that Federal agencies consider, at appropriate times, updating their EIS's to account for possible impact changes that might significantly differ from those estimated previously, or include new impacts that were not of earlier concern. For all the above reasons, the NRC decided that development of a GEIS decommissioning supplement is now appropriate.

The scoping process is consistent with NEPA recommendations for EIS development, which includes public participation in the process at an early time. Also, consistent with the NEPA guidance, the NRC is using the public's participation for determining the content of the EIS supplement's scope. This entails the public's assistance in identifying any potentially significant impacts that should be included in the update analyses, and whether any significant impacts resulting from possible decommissioning actions that licensees could reasonably pursue have been overlooked.

The NRC staff met with the Nuclear Energy Institute (NEI) at a meeting open to the public and requested NEI to be the industry focal point for gathering decommissioning data to assist the staff's evaluation of the environmental impacts of decommissioning. In this regard the staff expects to get a better cross section of industry decommissioning information than if it were to request it from a limited number of licensees undergoing decommissioning. Also, licensee representatives attended the public meetings held by the NRC staff and provided comments on the GEIS scoping.

(c) Comment:

Public notice was not properly made for the scoping meetings

Response:

The staff published a *Federal Register* notice on March 14, 2000, that requested comments from the public on the scope of the proposed update to the GEIS. This *Federal Register* notice identified the general location of the meetings and the approximate time. In addition to the original *Federal Register* notice, separate notices were issued for the Chicago and Boston area public meetings and a combined notice was issued for the Atlanta and San Francisco area public meetings. The meetings were also noticed on the NRC's Electronic Bulletin Board, the NRC's Office of Public Affairs issued press releases prior to each public meeting, and our scoping meeting moderator telephonically urged citizens' organizations representing both local and national interests to attend the meetings.

The staff not only complied with NRC noticing requirements, but also provided notification to a variety of organizations beyond what is required.

(d) Comment:

Request for greater accessibility of all relevant documents, especially NUREG-0586

Response:

With respect to public access to relevant documents, unfortunately, because of the long elapsed time since NUREG-0586 was published, 1988, many of the supporting documents, as well as NUREG-0586, are out of print and can no longer be readily obtained in published form. However, summaries of these documents, such as the important sections of the existing decommissioning GEIS, NUREG-0586, have been printed and made publically available throughout the scoping process, especially at the public meetings, and by mail, as requested. To further facilitate access of documents to the public, the staff has also made documents available through our GEIS update web site (see above for web site address). For example, transcripts of the four public meetings that occurred have already been placed on the web site for public access. Also, an electronic version of the GEIS, NUREG-0586, is now available on this site. The NRC staff will try to accommodate any requests for documents.

(e) Comment:

What is the relationship between the update to the 1988 GEIS and several other NRC initiatives, specifically, development of computer codes for release and recycling of radioactive sites and the clearance value.

Response:

The Office of Nuclear Material Safety and Safeguards is developing guidance on the use of computer codes that evaluate potential dose to the public that may remain at a site after it is decommissioned. Such an evaluation performed by licensees is needed to determine compliance with the site release criteria contained in 10 CFR Part 20, Subpart E, "Radiological Criteria for License Termination," prior to the determination to release the site. Development of this guidance is to support the 1997 License Termination Rule. It has no direct relationship to the update to the GEIS since it pertains to the implementation of the rule. The update to the GEIS will not include consideration of clearance for release of material. There would be a separate environmental assessment made of any staff rulemaking effort in the area of clearance.

One possible rulemaking activity being considered that may rely in part on the analysis contained in the updated GEIS pertains to extending the choice of decommissioning alternatives that power reactor licensees can use to terminate the license. Currently, entombment is not considered a viable alternative for decommissioning. The staff intends to evaluate a range of entombment options in the GEIS update. This evaluation may support, in part, future rulemaking to allow entombment of power reactors.

(f) Comment:

Discuss the sections of the regulatory code that stand to be altered by this scoping

Response:

The updated GEIS supplement is not linked to any specific rulemaking actions, aside from possible rulemaking activity in the area of entombment. If, however, as a result of impact evaluations performed for this GEIS update, it is found that certain significant impacts could be mitigated through rule amendment, such rulemaking would be considered.