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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: **"Notice of Availability of the Draft Supplement to the Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities and Notice of Public Meetings," 66 Federal Register No. 218, page 56721 (November 9, 2001)**

Gentlemen:

In the subject Federal Register Notice, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on the draft supplement to the Generic Environmental Impact Statement (GEIS) on Decommissioning of Nuclear Facilities as issued in October, 2001.

For the past thirteen years, the original GEIS on Decommissioning of Nuclear Facilities, NUREG-0586, has provided a comprehensive and robust evaluation of the environmental impacts associated with decommissioning of nuclear facilities. Nevertheless, we support the NRC's current efforts to update the GEIS for nuclear power plants to reflect the industry's experience in decommissioning and to more fully consider issues like partial site release and re-use of concrete rubble as fill.

The draft supplement provides a detailed discussion of the impacts of decommissioning on eighteen environmental issues. Overall, the conclusions provided in the draft supplement seem reasonable. There are, however, some issues that would benefit from additional clarification by the NRC:

- 1. The time frame for assessing the magnitude of the environmental impacts is not clearly discussed.** In some instances (terrestrial ecology page 4-20, lines 39-41), the draft acknowledges that some impacts will be temporary but once decommissioning is completed, not significant. The discussion of other issues is silent with regards to when the impact is assessed. For example, dewatering for a relatively short period while sub-surface foundations are removed would be performed in accordance with a National Pollutant Discharge Elimination System (NPDES) permit (section 4.3.2).

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However, the impact on the water table during this period of decommissioning would probably be noticeable. Once dewatering has ceased, the water table would most likely return to its pre-decommissioning level. The licensee would reasonably conclude that dewatering during decommissioning is a SMALL (not noticeable, does not de-stabilize any important attribute of the resource) impact once decommissioning has been completed and is addressed in this GEIS Supplement. The NRC should revise the GEIS Supplement to clarify that the magnitude of the impact should be assessed once decommissioning activities have ceased and the license is terminated.

2. **Activities that require State or local permits or approval should be considered to have a SMALL impact under the GEIS.** Licensees will be required to obtain approval from State and/or local agencies for several activities performed as part of decommissioning and site restoration. These activities may include routine discharge of non-radiological liquids, dewatering, removal or modification of circulating water conduits, and use of portable combustion engines. Typically, the regulations governing approval for these activities require that the regulatory agency perform an assessment of the environmental impact(s) and, as appropriate, establish mitigating measures as permit conditions. In the case of water quality issues, the NRC relies on the licensee's compliance with the NPDES permit to conclude that the magnitude of the impact(s) is SMALL. The NRC should revise the GEIS Supplement to clarify that the NRC will consider the impact of an activity to be SMALL and rely on the licensee's compliance with a state or local permit, including any mitigating conditions.
3. **The water quality (section 4.3.3) discussion does not address the potential impact of dewatering on the quality of ground water.** If, for example, the ground water is a source of potable water and the facility is located near an ocean, dewatering could impact the quality (salinity) of the potable water. The NRC should revise the GEIS Supplement to clarify that the NRC will rely on the licensee's compliance with the NPDES permit for dewatering to conclude that the impact is SMALL.
4. **The potential impacts of removing circulating water conduits on water quality or aquatic ecology are not consistently discussed or are considered an exception from the staff's conclusions.** The Executive Summary states that the "removal of uncontaminated SSCs (such as the intake structure or cooling towers) that were required for the operation of the reactor" are included in the scope of the GEIS. However, chapter 4 does not discuss the potential impacts of removing circulating water conduits on water quality (section 4.3.3) and the staff considers removal of these structures to be an exception to the generic evaluation for aquatic ecology (section 4.3.5). Similarly, the tables in Appendix H do not address this issue. Realistically, the licensee will have to comply with state and/or local regulations to

remove the circulating water conduits or cooling towers. The state and/or local agency would perform an environmental assessment and, as appropriate, establish conditions in the permit to mitigate any environmental impact(s). As in the case of water quality issues, the NRC relies on the licensee's compliance with the NPDES permit to conclude that the magnitude of the impact(s) is SMALL. The NRC should revise the GEIS Supplement to clarify that the NRC will rely on the environmental assessment performed for and any mitigating conditions included as part of the state or local permit for removal of circulating water conduits.

5. **Facilities included in the NRC's review of information during preparation of the draft supplement should be able to use the NRC's conclusions on socioeconomic impacts instead of performing an additional assessment along with a license-amendment request.** In section 4.3.13, the results of the evaluation stated (page 4-56, lines 30-32) that "In the 21 decommissioning case studies observed, it is concluded that facility decommissioning should have a SMALL socioeconomic impact on low-income and minority populations". At the same time, given that populations differ near each reactor site, the staff concluded that environmental justice was a site-specific issue. The NRC should revise the GEIS Supplement to clarify that licensee of a plant that was one of the case studies can refer to the staff's assessment that this was a SMALL impact instead of having to perform a site-specific evaluation and submit a license amendment request.

6. **Public opposition to a facility is not an objective criterion for determining the impact of decommissioning on aesthetics.** In section 4.3.15.2, the magnitude of potential impacts on aesthetics is described as proportional to how vigorously the plant is opposed by the host community. Opposition to a facility is frequently expressed by a few vocal individuals or groups who do not necessarily reside in the area but who are philosophically opposed to the peaceful use of nuclear power. These individuals will continue to speak in opposition against a facility as a matter of principle, even when the facility begins decommissioning and site restoration. Since aesthetic issues are a function of each individual's perception, opposition to the facility should not be used as a criterion for assessing environmental impact. A more objective and justifiable approach would be to apply the other criteria described in this section (the facility's impact on the skyline, noise, land disturbance, traffic) or to consider recreational use, if any, in determining the magnitude of decommissioning impacts.

In a related issue, there continues to be a gap in regulations concerning the release of slightly contaminated solid materials. In both partial site release without a license termination plan and license termination for the entire site, residual radioactivity may

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remain as long as the exposure criterion of 10 CFR 20 Subpart E is satisfied. Conversely, this same residual radioactivity is treated as licensed material prior to license termination — regardless of how little the amount, concentration, or dose significance — and can only be disposed of at a licensed facility. This double standard poses an incentive to retain radioactive material on-site until the license has been terminated to avoid potentially excessive costs for radwaste disposal, while creating a longer term risk for additional site cleanup required by other regulatory authority or court of law. While we recognize that the US Nuclear Regulatory Commission (NRC) is seeking to resolve this discrepancy through study by the National Academy of Sciences and further agency deliberation, this process may take several years. Prolonged delay contributes to the erosion in public understanding and confidence in government policy as well as the lack of resolution mentioned above for licensees. Public policy is needed to define the quantitative dose and radionuclide characteristics that have no discernible public health consequences.

Southern California Edison appreciates the opportunity to comment on the draft supplement. If you have any questions concerning these comments, please contact me.

Sincerely,

 for
A.E. Scherer