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Chief, Rules and Directives Branch
Division of Administrative Services
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

U.S. EPA Comments on Final Supplement to Generic EIS for Decommissioning of Nuclear Power Reactors

Dear Sir/Madam:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality's implementing regulations (40 CFR 1500-1508), the Environmental Protection Agency (EPA) is providing you comments on the Final Supplement (the Supplement) to the Generic Environmental Impact Statement (GEIS) for Decommissioning of Nuclear Power Reactors, dated November 2002 (NUREG-0586, Draft Supplement 1, CEQ #020512).

The Supplement updates the 1988 GEIS to reflect technological and regulatory changes and NRC's and licensees' experience with decommissioning nuclear power reactors. EPA supports the approach NRC has taken in the Supplement of establishing an envelope of environmental impacts resulting from decommissioning activities and identifying those activities which can be bounded by a generic evaluation and those which require a site-specific analysis.

EPA provided comments to the NRC on the draft Supplement on December 21, 2001. EPA rated the draft Supplement as "EC-2", Environmental Concerns-Insufficient Information. EPA commented that the Supplement should clarify when certain activities or site conditions fall within the envelope or require further analysis; should better distinguish among certain of the impact levels; should explain how the environmental analysis takes into account environmental changes during plant operation; and, should provide more information on ground water impacts.

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EPA appreciates NRC's clarification in the final Supplement of when particular decommissioning activities or operating/site conditions require a site-specific analysis. The final also eliminates use of vague terms such as "previous disturbance" and "minimal changes." While EPA does not always agree with NRC's assessment of whether a particular impact is significant, we do believe the final Supplement presents a clearer road map for preparers of environmental assessments.

EPA believes that requiring consideration of previously prepared environmental statements, assessments and reports, and significant changes in permits and in the facility's environmental parameters during plant operation would inform the environmental assessment of the decommissioning process, and we are disappointed that such a requirement is deemed outside the purpose of the Supplement. With regard to the Supplement's revised discussion of ground water impacts, EPA suggests our two agencies need to continue to explore how best to handle possible contamination at those sites where this is an issue.

I would like to clarify one of EPA's comments (CL-16/10, page O-153 of the Supplement) which the response to comments appears to misinterpret. EPA's comment refers to use of the entombment method in a state which regulates nuclear waste; and, to the fact that in such a state, the licensee would need to comply with state law.

Thank you for the opportunity to review this Supplement. While EPA continues to have concerns about the decommissioning process, we believe this Supplement significantly improves the guidance on decommissioning, updating and clarifying both the types of information needed and the extent of the analysis required for the environmental assessment of nuclear power reactors undergoing decommissioning. I appreciate NRC's involvement of EPA in the scoping process for the Supplement and NRC's consideration of EPA's concerns.

Sincerely,



Anne Norton Miller
Director
Office of Federal Activities