

February 17, 2006

Dr. Wade Richards
Chief, Reactor Operations and Engineering
Center for Neutron Research
National Institute of Standards and Technology
Gaithersburg, MD 20899

SUBJECT: ISSUANCE OF ENVIRONMENTAL SCOPING SUMMARY REPORT
ASSOCIATED WITH THE STAFF'S REVIEW OF THE APPLICATION FOR
LICENSE RENEWAL OF THE NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY REACTOR (NIST) (TAC NO. MC2710)

Dear Dr. Richards:

The U.S. Nuclear Regulatory Commission (NRC) conducted a scoping process September 29, 2005, through November 28, 2005, to determine the scope of the NRC staff's environmental review of the application for renewal of the operating license for the National Bureau of Standards Reactor (NBSR). As part of the scoping process, the NRC staff published a *Federal Register* notice, "Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process" (70 FR 56935), to solicit public input regarding the scope of the review. The scoping process is the first step in the development of a facility-specific Environmental Impact Statement for the NBSR.

The NRC staff has prepared the enclosed Environmental Scoping Summary Report identifying the results of the scoping process. In accordance with Section 51.29(b) of Title 10 of the *Code of Federal Regulations* (10 CFR 51.29(b)), you are being provided a copy of the scoping summary report.

The next step in the environmental review process is the issuance of the draft Environmental Impact Statement. Notice of the availability of the draft Environmental Impact Statement and the procedures for providing comments will be published in an upcoming *Federal Register* notice. If there are any questions concerning this matter, please contact me at 301-415-1128.

Sincerely,

/RA/

Marvin M. Mendonca, Senior Project Manager
Research and Test Reactors Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos.: 50-184

Enclosure: As stated
cc w/encl: Please see next page

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National Institute of Standards and Technology

Docket No. 50-184

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**Environmental Impact Statement
Scoping Process**

Summary Report

**National Institute of Standards and
Technology Reactor**

License Renewal

January 2006



U.S. Nuclear Regulatory Commission

Introduction

On April 9, 2004, the Nuclear Regulatory Commission (NRC) received an application from the National Institute of Standards and Technology (NIST), formerly known as the National Bureau of Standards, for renewal of the operating license for the National Bureau of Standards Reactor (NBSR). The NBSR is located in upper Montgomery County, Maryland, approximately 20 miles northwest of the District of Columbia. If issued, this will be the second license renewal for the NBSR. On May 16, 1984, a 20-year extension of the existing operating license was issued by the NRC, which included a power increase from 10 MWt to 20 MWt. As part of the application, NIST submitted an environmental report (ER) prepared in accordance with the requirements of 10 CFR Part 51. 10 CFR Part 51 contains the NRC requirements for implementing the National Environmental Policy Act (NEPA) of 1969 and implementing regulations promulgated by the Council on Environmental Quality (CEQ).

The Commission has determined that the ER need not discuss any aspect of storage of spent fuel for the facility. This determination was based on the Nuclear Waste Policy Act of 1982 and the Commission's Waste Confidence Rule, 10 CFR 51.23.

On September 29, 2005, the NRC published a Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process in the *Federal Register* (70 FR 56935), to notify the public of the NRC's intent to prepare a plant-specific environmental impact statement (EIS) to support the review of the renewal application for the NBSR operating license. The plant-specific EIS will be prepared in accordance with NEPA, CEQ guidelines, and 10 CFR Part 51. As outlined by NEPA, the NRC initiated the scoping process with the issuance of the *Federal Register* Notice. The NRC invited the applicant; Federal, State, and local government agencies; local organizations; and individuals to participate in the scoping process by submitting written suggestions and comments no later than November 28, 2005.

The scoping process provides an opportunity for public participation to identify issues to be addressed in the plant-specific EIS and highlight public concerns and issues. The Notice of Intent identified the following objectives of the scoping process:

- C Define the proposed action which is to the subject of the EIS;
- C Determine the scope of the EIS and identify significant issues to be analyzed in depth;
- C Identify and eliminate from detailed study those issues that are peripheral or that are not significant;
- C Identify any environmental assessments and other EISs that are being prepared or will be prepared that are related to, but not part of the scope of the EIS being considered;
- C Identify other environmental review and consultation requirements related to the proposed action;
- C Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision making schedule;
- C Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies;

- C Describe how the EIS will be prepared, and include any contractor assistance to be used.

The NRC staff planned to review individual comments at the conclusion of the scoping period, and address relevant issues raised during the scoping process. No comments were received during the scoping process for the NBSR license renewal. The preparation of the EIS will take into account any new information obtained during research and during the planned site audit. The NIST draft EIS will be available for public comment. The comment period for the draft EIS will offer the next opportunity for the applicant, interested Federal, State, and local government agencies; local organizations; and members of the public to provide input to the NRC's environmental review process for the NBSR. The comments received on the draft EIS will be considered in the preparation of the final EIS. The final EIS, along with the staff's Safety Evaluation Report (SER), will provide the basis for the NRC's decision on the NIST NBSR license renewal.

Comments

No comments were received during the scoping process for the NIST license renewal application.

Summary

The preparation of the EIS will be based on the application, information obtained during the planned site audit, and information received from personal contacts and reference materials. Any environmental issues identified from these sources will be considered during the development of the draft EIS. The draft EIS will be available for public comment. Interested Federal, State, and local government agencies, local organizations, and members of the public will be given the opportunity to provide comments to be considered during the development of the final EIS. Concerns identified that are outside the scope of the staff's environmental review will be forwarded to the appropriate NRC program manager for consideration.