



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

APR 14 1980

Docket No. 50-10

Professor Bruce W. von Zellen, Ph.D.
Northern Illinois University
De Kalb, Illinois 60115

Dear Dr. von Zellen:

Your letter dated March 19, 1980 indicates that you did not receive our response to your June [23] 1979 letter. We have reviewed our files on this matter and have determined that we received a letter from you dated June 25, 1979 and responded to you with a letter dated July 25, 1979. We have enclosed a copy of your June 25 letter and our July 25 response for your information. Our files do not reflect the receipt of a letter from you dated June 23, 1979.

With respect to your request for the preparation of an Environmental Impact Statement for the Dresden Unit 1 decontamination, the Nuclear Regulatory Commission is fully committed to satisfying all requirements of the National Environmental Policy Act (NEPA). Our regulations which implement the NEPA requirements are contained in Title 10, Part 51.5, of the United States Code of Federal Regulations. These regulations are in conformance with guidelines issued by the President's Council on Environmental Quality which were in effect prior to July 30, 1979. They identify the following types of actions for which NRC must prepare an environmental impact statement:

- "(1) Issuance of a permit to construct a nuclear power reactor, testing facility, or fuel reprocessing plant pursuant to Part 50 of this chapter;
- (2) Issuance of a full power or design capacity license to operate a nuclear power reactor, testing facility, or fuel reprocessing plant pursuant to Part 50 of this chapter;
- (3) Issuance of a permit to construct or a design capacity license to operate an isotopic enrichment plant pursuant to §50.22 of this chapter;
- (4) Issuance of a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride pursuant to Part 70 of this chapter;
- (5) Issuance of a license to possess and use source material for uranium milling or production of uranium hexafluoride pursuant to Part 40 of this chapter;
- (6) Issuance of a license authorizing commercial radioactive waste disposal by land burial pursuant to Parts 30, 40, and/or 70 of this chapter;

8004280362

(7) Conversion of a provisional operating license for a nuclear power reactor, testing facility or fuel reprocessing plant to a full power or design capacity license pursuant to Part 50 of this chapter where no final environmental impact statement has been previously prepared;

(8) Issuance of a license to manufacture pursuant to Appendix M of Part 50 of this Chapter;

(9) Amendments of Parts 30 and 40 of this chapter concerning the exemption from licensing and regulatory requirements of any equipment, device, commodity or other product containing byproduct material or source material; and

(10) Any other action which the Commission determines is a major Commission action significantly affecting the quality of the human environment."

The Commission is presently in the process of modifying our Environmental Protection regulations to take into account, voluntarily, the regulations promulgated by CEQ which became effective July 30, 1979. We have concluded that this action is not one of these actions requiring an environmental impact statement under current Commission regulations.

While our regulations do not require the preparation of an environmental impact statement, we are evaluating the environmental impact of the proposed action to determine whether an environmental impact statement should be prepared because of specific circumstances related to this particular action. If it is determined that an environmental impact statement need not be prepared, a negative declaration and environmental impact appraisal will be prepared in accordance with Sections 51.7 and 51.50(d) of our regulations for environmental protection. We will complete our review and issue the appropriate statement or appraisal prior to the Dresden decontamination.

I hope that this is responsive to your request.

Sincerely,



Original Signed By
E. C. Goss

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. June 25, 1979,
Letter Dr. von Zellen to NRC
2. July 25, 1979,
Letter NRC to Dr. von Zellen