



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

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November 8, 1979

MEMORANDUM FOR: Chairman Hendrie
Commissioner Gilinsky
Commissioner Kennedy
Commissioner Bradford
Commissioner Ahearen

FROM: *SSO for* Stephen F. Eilperin, Solicitor

SUBJECT: PROGRAMMATIC IMPACT STATEMENT FOR TMI-2
CLEAN-UP

Attached is a revised version of the draft policy statement regarding the TMI programmatic impact statement. The revision reflects comments from Commissioner Bradford, Commissioner Ahearne and Howard Shapar. Please give your comments to Steve Ostrach as I will be unavailable a good part of today.

Enclosure:
Draft policy statement

cc: OPE
EDO
✓NRR
ELD
OCA
NMSS
SECY

CONTACT:
Steve Ostrach, OGC
4-3224

STATEMENT OF POLICY AND NOTICE OF INTENT TO
PREPARE A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

The Nuclear Regulatory Commission has decided to prepare a programmatic environmental impact statement on the decontamination and disposal of radioactive wastes resulting from the March 28, 1979 accident at Three Mile Island Unit 2. For some time the Commission's staff has been moving in this direction. In the Commission's judgment an overall study of the decontamination and disposal process will assist the Commission in carrying out its regulatory responsibilities under the Atomic Energy Act to protect the public health and safety as decontamination progresses. It will also be in keeping with the purposes of the National Environmental Policy Act to engage the public in the Commission's decision-making process, and to focus on environmental issues and alternatives as the clean-up choices are made. The Commission intends to closely co-ordinate its actions with the President's Council on Environmental Quality. In particular, the scope of the programmatic environmental impact statement will be settled upon only after consultation with CEQ.

The Commission recognizes that the aftermath of the TMI-2 accident brings with it many uncertainties for the clean-up operation to come. For example, the precise condition of the reactor core is not known at this time and cannot be known until the containment has been entered and the reactor vessel has been opened. For this reason, it is unrealistic to expect that the programmatic impact

statement will serve as a blueprint, detailing each and every step to be taken over the coming months and years with their likely impacts. As more information becomes available it will be incorporated into the decision-making process. The NRC NEPA regulations (as do CEQ's) provide for supplements to environmental impact statements. As the decontamination of TMI-2 progresses the Commission will make any new information available to the public. That the planned programmatic statement inevitably will have gaps and will not be a complete guide for all future actions does not invalidate its usefulness as a planning tool.

The development of a programmatic impact statement should not preclude Commission action when needed. The Commission does recognize, however, that as with its Epicor-II approval action, any action taken in the absence of an overall impact statement will lead to arguments that there has been an inadequately full environmental analysis even where the Commission's action itself is supported by its own environmental assessment. As in settling upon the scope of the programmatic impact statement, CEQ can lend assistance here. [For example should the Commission before completing its programmatic statement decide that it is in the best interest of the public health and safety to decontaminate the high level waste water now in the containment building, or to purge that building of its radioactive gases, that action will not be taken until the Commission has consulted with CEQ for its advice as to the Commission's NEPA responsibilities. Moreover,

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as stated in the Commission's May 25 statement, any action of this kind will not be taken until it has undergone an environmental review.] As stated in the Commission's May 25 statement, actions will not be taken until they have undergone an environmental review and been subjected to public scrutiny. Also, consistent with our May 25 Statement, we recognize that there may be emergency situations, not now foreseen, which should they occur would require rapid action. To the extent practicable the Commission will consult with CEQ in these situations as well.

We think that NEPA and the Atomic Energy Act can work together to assure that the clean-up of TMI-2 is done consistently with the public health and safety, with awareness of the choices ahead, and with the help of the public's comments on our proposals. We are today directing our staff to begin preparation of an environmental impact statement on the decontamination and disposal of TMI-2 wastes and to plan the scope of the programmatic statement in consultation with CEQ. We are also directing our staff to keep us advised of their progress in this regard.