

November 13, 1979

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

Renton
SECY-79-609

CONSENT CALENDAR ITEM

For: The Commissioners

From: Stephen F. Eilperin, *SE* Solicitor

Subject: Programmatic Impact Statement for TMI-2

Discussion: Attached is a further revised version of the draft policy statement regarding the TMI programmatic environmental impact statement. The revision reflects comments received on the November 7 and November 8 drafts from the Chairman, Commissioners Kennedy, Bradford, and Ahearne, and from OPE and OELD. As drafted the statement is consistent with the Commission's testimony given to Senator Hart this morning.

SE
Stephen F. Eilperin
Solicitor

Attachment:
Draft Policy Statement

Commissioners' comments or consent should be provided directly to the Office of the Secretary by p.o.b. Friday, November 16, 1979.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT November 14, 1979, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of November 19, 1979. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION

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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 before commitments to specific clean-up choices are made. Additionally, in light of the extraordinary nature of this action and the expressed interest of the President's Council on Environmental Quality in the TMI-2 clean-up, the Commission intends to co-ordinate its actions with CEQ. In particular, before determining the scope of the programmatic environmental impact statement the Commission will consult with CEQ.

The Commission recognizes that there are still areas of uncertainty regarding the clean-up operation. 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. 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. As more information becomes available it will be incorporated into the decision-making process. The NRC NEPA regulations provide (as do CEQ's) for supplements to environmental impact statements. As the decontamination of TMI-2 progresses the Commission will make any new information available to the public and to the extent necessary will also prepare separate environmental statements or assessments for individual portions of the overall clean-up effort.

The development of a programmatic impact statement will not preclude prompt 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 inadequate environmental analysis, even where the Commission's action itself is supported by an 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, the Commission will consider CEQ's advice as to the Commission's NEPA responsibilities. Moreover, 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. However, 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.

With the help of the public's comments on our proposals we intend to assure, pursuant to NEPA and the Atomic Energy Act, that the clean-up of TMI-2 is done consistently with the public health and safety, and with awareness of the choices ahead. We are today directing our staff to begin preparation of an environmental impact statement on the decontamination and disposal of TMI-2 wastes which will include an overall description of the planned activities and a schedule for their completion along with a discussion of alternatives considered and the rationale for choices made. In planning the scope of that programmatic statement staff will consult with CEQ. We are also directing our staff to keep us advised of their progress in these matters.