

September 9, 2014

Ms. Susanne R. Young
Deputy Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001

SUBJECT: REPLY TO REQUEST FOR A SUPPLEMENT TO WASTE CONFIDENCE DRAFT
GENERIC ENVIRONMENTAL IMPACT STATEMENT (DOCKET NRC-2012-0246)

Dear Ms. Young:

By letter dated April 24, 2014, the State of Vermont, the State of Connecticut, and the Commonwealth of Massachusetts requested that the U.S. Nuclear Regulatory Commission (NRC) staff prepare a supplemental Waste Confidence Draft Generic Environmental Impact Statement (DGEIS). Upon receipt of the April 24 letter, the NRC staff added the letter and its enclosures to the appropriate docket (NRC-2012-0246) for consideration as a request to supplement the DGEIS.

After careful review of your request, the NRC has determined that a supplemental DGEIS is not necessary. NRC regulations governing the need to supplement draft environmental impact statements are found in Title 10 of the *Code of Federal Regulations*, section 51.72. Those regulations require, in pertinent part, supplementation if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. The NRC has carefully reviewed your letter and its supporting information and has determined that supplementation is not required because the information presented in the April 24 letter was either already considered in the development of the DGEIS and final GEIS or was not deemed significant enough to change the results of the staff's deliberations. I note, however, that in response to comments, staff provided additional discussion on the loss of institutional controls and added a new chapter addressing high burn-up fuel. The staff was aware of the incident at the Waste Isolation Pilot Plant (WIPP) and considered it in the development of the final GEIS and rule. The final GEIS, as approved by the Commission, contains additional discussion regarding the accident at WIPP. I would direct your attention to Appendix D of the final GEIS where the NRC has addressed comments similar to those raised in the April 24 letter.

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The NRC appreciates the States' interest in bringing potentially new and significant information to the attention of the NRC staff. The NRC appreciates the comments previously submitted by the States on the proposed rule and DGEIS, and the final environmental impact statement and agency decision-making on the final rule have benefited from the States' input and continued engagement.

Sincerely,

/RA/

Scott W. Moore, Deputy Director
Office of Nuclear Material Safety
and Safeguards

cc: See next page

S. Young

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Sincerely,

Scott W. Moore, Deputy Director
Office of Nuclear Material Safety
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