

February 22, 2000

Dr. Ivan Itkin, Director  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy, Headquarters  
1000 Independence Avenue, S.W.  
Washington, DC 20585

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION COMMENTS ON THE U.S.  
DEPARTMENT OF ENERGY DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF SPENT NUCLEAR  
FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN, NYE  
COUNTY, NEVADA

Dear Dr. Itkin:

On August 13, 1999, the U.S. Department of Energy (DOE) published a notice of availability in the Federal Register of its draft environmental impact statement (DEIS) for a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain, Nye County, Nevada. In the context of the Nuclear Waste Policy Act, as amended, DOE is the lead agency for considering the environmental impacts for the proposed repository, and the U.S. Nuclear Regulatory Commission (NRC) is to adopt the DOE Final Environmental Impact Statement (FEIS) to the extent practicable as part of NRC's licensing actions for the repository. Consistent with its responsibilities, the NRC has promulgated, in 10 CFR Part 51, criteria it will use to adopt the FEIS. With respect to the DEIS, the NRC is a commenting agency. The NRC comments are enclosed.

In reviewing the DEIS, the NRC based its comments on its judgment regarding environmental issues, guided by: 1) the Council on Environmental Quality (CEQ) regulations (40 CFR Part 1500) implementing the National Environmental Policy Act; 2) guidance prepared by CEQ and the U.S. Environmental Protection Agency; and 3) NRC's criteria in 10 CFR Part 51 for adopting the FEIS.

The enclosed staff comments are organized into three categories. The first category is comprised of four comments that the NRC believes should be addressed by DOE to make the FEIS complete. These four comments concern broad issues in the DEIS, specifically: integration of the Proposed Action, cumulative impacts, transportation, and mitigative measures. When DOE submits an application for a license for the repository, the FEIS should contain sufficient information to allow a reasonable evaluation of the environmental impacts of that Proposed Action.

The remaining comments apply to more specific topical areas within the DEIS. The second category of comments (comments 5 through 8) also addresses issues related to completeness, albeit less directly than those in the first category. Those four comments have less significance than the first four comments, but DOE should address all eight comments to make the FEIS complete. The final five comments (9 through 13) are offered for DOE's consideration. In

preparing the FEIS, NRC also requests that DOE consider relevant technical comments previously submitted by the NRC. The NRC has provided such technical comments in reports on specific technical issues and in comments on DOE's Viability Assessment in June 1999.

The comments on the Viability Assessment also address the issue of quality assurance (QA). DOE's application of a rigorous and effective QA program is crucial to its ability to demonstrate the validity of its findings and analyses in any license application. The NRC staff will continue to evaluate DOE's efforts to implement an effective QA program.

We are available to meet with your staff to discuss our comments and recommendations. Please contact Charlotte Abrams, Team Leader, Environmental Review Team, if you have any questions regarding this letter or the enclosure. Ms. Abrams can be reached at (301) 415-7293.

Sincerely,

[M.J. Virgilio for]

William F. Kane, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: U.S. NRC's Comments on U.S. DOE's  
Draft Environmental Impact Statement for  
a Geologic Repository for the Disposal of  
Spent Nuclear Fuel and High-Level Radioactive  
Waste at Yucca Mountain, Nye County, Nevada

cc w/encl: See attached list

Wendy R. Dixon, EIS Project Manager  
Yucca Mountain Site Characterization Office  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
P.O. Box 30307, Mail Stop 010  
North Las Vegas, NV 89036-0307

Letter to Ivan Itkin, U.S. DOE dated: \_\_\_\_\_2/22/00

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S. Trubatch, Winston & Strawn

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cc w/encl: See attached list  
Wendy R. Dixon, EIS Project Manager  
Yucca Mountain Site Characterization Office  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
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