

# memorandum

DATE: January 31, 2003

REPLY TO: RW-30E  
ATTN OF:

SUBJECT: Annual National Environmental Policy Act (NEPA) Planning Summary for the  
Year 2002

TO: Beverly A. Cook  
Assistant Secretary for Environment,  
Safety and Health, EH-1

As required by the Department of Energy Order 45 1.1B and requested by your memorandum dated December 18, 2002, attached is the Office of Civilian Radioactive Waste Management (RW) Annual NEPA Planning Summary.

If you or your staff have any questions, regarding our NEPA Planning Summary please call Narendra Mathur, RW-HQ NEPA Compliance Officer at (202) 586-4929 or Jane Summerson, Office of Repository Development NEPA Compliance Officer at (702) 794-1493.



Ronald A. Milner, Acting Deputy Director  
Office of Civilian Radioactive  
Waste Management

Attachment

cc:  
C. Borgstrom, EH-42  
N. Mathur, RW-30E  
J. Jones, RW-30E  
J. Summerson, RW-SOW

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**OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT****Annual NEPA Planning Summary  
January 31, 2003**

In accordance with DOE Order 45 1.1B (1 O-26-00), this Annual NEPA Planning Summary for the Office of Civilian radioactive Waste Management (OCRWM) has been prepared to describe briefly: (1) the status of ongoing NEPA compliance activities, (2) any environmental assessment expected to be prepared in the next 12 months, (3) any environmental impact statements expected to be prepared in the next 24 months, and (4) the planned cost and schedule for completion of each NEPA review identified.

**A. Status of Ongoing NEPA Compliance Activities:**

A significant level of activity took place during Fiscal Year 2002 with regard to the proposed repository at Yucca Mountain. These activities occurred concurrently and included DOE's completion of the Final EIS for the repository. A brief description of these activities provides context to the status of DOE's ongoing NEPA compliance activities for this reporting period.

1. In the first quarter of FY 2002, DOE completed the Nuclear Waste Policy Act's (NWPA) required public comment process on a potential site recommendation of the Yucca Mountain Site [NWPA Section 114]. This process began May 7, 2001, and DOE extended the public comment period through October 19, 2001. In addition, DOE provided a second, supplemental public comment period from November 14, 2001 through December 14, 2001, to allow the public to comment on project-related information that was not available at the time of the closure of the initial comment period.

2. During this same timeframe, DOE completed its preparation of the Final EIS, including detailed responses to all public comments received on the Draft and Supplemental Draft EIS documents. To comply with its statutory responsibilities under the NWPA requiring that a Final EIS be available to accompany any site recommendation, on February 14, 2002 DOE submitted the final EIS, along with con-m-rents received from 4 key Federal agencies as required by § 114(a)(1)(D) of the Act [i.e., the U.S. Dept. of Interior, the Council on Environmental Quality, the EPA, and the NRC], along with the Secretary of Energy's recommendation to the President that the Yucca Mountain site be approved for development as a geologic repository. The Final EIS and other documents forwarded to the President along with the Secretary's recommendation were also made available electronically and in 38 official public reading rooms located across the country (67 *Federal Register* 9048, February 27, 2002). On February 15, 2002, President Bush forwarded his approval of the site recommendation to Congress. As provided by the NWPA, the State of Nevada submitted its notice of disapproval on April 8, 2002. Subsequently, on July 9, 2002, and in accordance with NWPA Section 115, the Congress passed a joint resolution approving Yucca Mountain as the Nation's

first geologic repository.

3. Following completion of this statutory site recommendation and approval process, and consistent with NEPA, DOE filed the Final EIS with the EPA. The EPA published its notice of availability of the Final EIS on October 25, 2002 (67 *Federal Register* 65564). DOE also published its own Notice of Distribution of the Final EIS (67 *Federal Register* 65539, October 25, 2002) and conducted an extensive distribution of the Final EIS to all persons who participated in the EIS process or who had requested copies of the EIS.

4. Other NEPA compliance activities during FY2002 included development of a Yucca Mountain Project Environmental Baseline Review procedure to guide DOE's environmental review of future licensing phase activities at the repository. In particular, the procedure establishes a process for reviewing new or modified Project activities against the environmental impact analysis baseline established in the Repository EIS to determine whether they remain within the bounds of the EIS 's analyses.

B. **Environmental Assessments Expected to be Prepared in the next 12 months:**

The OCRWM does not anticipate preparation of an environmental assessment (EA) or Environmental Impact Statement (EIS) at Yucca Mountain in the next 12 months. DOE has conducted its NEPA compliance activities at Yucca Mountain according to specific Congressional direction in Sections 112, 113, and 114 of the Nuclear Waste Policy Act of 1982, as amended (NWPA). Under these provisions, all activities conducted as part of DOE's site characterization program at Yucca Mountain have been considered "preliminary decision making activity" not requiring environmental review under NEPA. However, as DOE moves into the licensing phase of activity at the repository, future activities will be reviewed against the environmental impact analysis baseline established in the Repository EIS to determine whether they remain within the bounds of the EIS's analyses. This review will assist in determining whether or not additional environmental reviews are necessary.

C. **Environmental Impact Statements Expected to be Prepared in the next 24 months:**

In the FEIS for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, DOE had identified mostly rail as a preferred mode of transporting Spent Nuclear Fuel and High-Level Radioactive Waste to the proposed repository. OCRWM expects to prepare an EIS that will consider alternative alignments within a selected corridor for construction of the rail line in the State of Nevada. This new rail line would be built from an existing rail line to the repository at Yucca Mountain. (A corridor is a strip of land, approximately 400 meters wide that encompasses one

of several possible routes through which DOE could build a branch rail line. An alignment is the specific location of a rail line in a corridor.)

D. **Planned Cost and Schedule for Each NEPA Review Identified Above:**

The schedule for completion of the Repository EIS was fully integrated with the overall Office of Civilian Radioactive Waste Management (OCRWM) Program Plan schedule, and included parallel activities associated with the Site Recommendation decision process.

The final cost for preparation of the Repository EIS was \$35.4 **million**. An additional \$8.3 **million** was expended by the M&O Contractor in support of NEPA compliance activities.

The schedule and cost for the Rail Alignment EIS are still in the planning stages. It is anticipated that a Draft EIS will be prepared and issued sometime in early CY 2005, and the Final EIS and ROD will be issued at the end of CY 2005. The cost is estimated to be between \$10 to 15 million.