

**U.S. DEPARTMENT OF ENERGY
OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT**

**NUCLEAR WASTE TECHNICAL REVIEW BOARD
ENVIRONMENT AND PUBLIC HEALTH PANEL MEETING**

**SUBJECT: ENVIRONMENTAL PROGRAM
UPDATE**

PRESENTER: WENDY R. DIXON

**PRESENTER'S TITLE
AND ORGANIZATION: ASSISTANT MANAGER, ENVIRONMENT, SAFETY & HEALTH
YUCCA MOUNTAIN SITE CHARACTERIZATION PROJECT
LAS VEGAS, NEVADA**

**PRESENTER'S
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**LAS VEGAS, NEVADA
MARCH 22, 1994**

Nuclear Waste Policy Act and its Implementing Regulations

- **Streamlined the NEPA process**
- **Required environmental review throughout the life of the repository**
- **Uses other devices besides NEPA for public involvement and public review**
 - **Public hearings to recommend the site for development as a repository**
 - **Licensing hearings before NRC**
 - **Technical Review Board oversight**

Statutory Environmental Assessment Required for Site Characterization

- **Site characterization is not a major federal action**
- **Does not require an EIS**
- **Requires monitoring and mitigation of significant adverse affects**

**Yucca Mountain EA:
Showed no significant adverse effects**

10 CFR 960 General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories

Preclosure guidelines for environmental quality:

- **960.5-2-5**
- **960.3-4**
- **960.5-1**

In summary, the quality of the environment will be adequately protected and significant adverse environmental impacts mitigated to the extent practicable during all stages of the program

10 CFR 960 General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories

(Continued)

Disqualifying conditions:

- **Environmental impacts can not be mitigated to an acceptable degree taking into account programmatic, technical, social, economic, and environmental factors**
- **Irreconcilable conflicts with previously designated resource preservation use**

**Postclosure guidelines and disqualifiers:
None**

Environmental Impact Statement

The Yucca Mountain EIS need not consider:

- **The need for the repository**
- **Alternatives to geologic disposal**
- **Alternative sites to Yucca Mountain**

NWPA Requires Environmental Review Throughout the Life of the Repository

- **Site characterization phase**
- **DOE application to construct the repository**
- **DOE application to receive and possess radioactive wastes**
- **DOE application for closure and decommissioning**

NWPA and its Implementing Regulations Ensure that NEPA Review Applies to Each of these Stages

- **By doing so, Congress enabled DOE, through continued environmental review, based on better data through time, to better gauge the needs of public health and safety**
- **Congress further provided that any final decision on repository soundness would rest on a period of study and observation of a fully-loaded repository. The integrity of the observation period was guaranteed by requiring that all wastes placed in the repository be fully retrievable**

Current Status

- 1. Focus on site characterization phase**
- 2. Preparation for the site recommendation EIS**
- 3. Recognition that the site suitability vehicle for environment is the Environmental Impact Statement**
- 4. Analyze availability of site characterization data for the Environmental Impact Statement**
- 5. Analyze the precepts of NEPA including the judicial device called the Rule of Reason**
- 6. Analyze what data will become available at later project stages, allowing NRC or DOE to modify any decision**