



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Dr. Jane Summerson
EIS Document Manager
Regulatory Authority Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Dr., M/S 010
Las Vegas, NV 89134

Dear Dr. Summerson:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Department of Energy's Notice of Intent (NOI) for a Supplement to the Final Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV.

Since the publication of the Yucca Mountain Final EIS, the Department of Energy (DOE) has continued to develop the repository design and associated plans. Current plans include proposed surface and subsurface facilities that would allow DOE to operate the repository following a primarily considered approach in which most commercial spent nuclear fuel would be packed at the commercial sites in multipurpose transport, aging and disposal canisters (TADs); all DOE materials would be packaged in disposable canisters at the DOE sites. These TADs and disposable canisters then would be transported mostly by rail to the repository where they would be placed on aging (or staging) pads prior to disposal, or inserted into waste packages and disposed on in the repository underground.

The NOI identifies a preliminary list of issues and environmental resources to be addressed which include, but not limited to: radiological releases, transportation, accidents, water, air, and cultural resources. In general, EPA agrees that the list of issues is appropriate for this project. However with regard to water quality, we recommend that the EIS discuss how water quality standards will be met for the life of the project. Additionally, considering the nature of the proposal (i.e., an underground repository), the EIS should fully evaluate the geologic conditions of the project area, how they will be impacted by the project, as well as discuss the effects of the project on the groundwater.

Finally, although the NOI indicates that Native American issues of concern will be addressed, we recommend that DOE develop a detailed process to engage interested Native American Nations in effective government-to-government consultation.

We appreciate the opportunity to review the NOI. The staff contact for the review is Marthea Rountree and she can be reached at (202) 564-7141.

Sincerely,



Anne Norton Miller
Director
Office of Federal Activities