

102.3

LPDR
WM-11 (2)

MAR 19 1987

Mr. Robert R. Loux, Executive Director
Agency for Nuclear Projects
Nuclear Waste Project Office
Capitol Complex
Carson City, NV 89710

Dear Mr. Loux:

This is in response to your letters of December 4 and 24, 1986 concerning environmental reviews relative to DOE's site characterization activities, as clarified in our January 7th telephone discussion with Carl Johnson of your staff and your letter of January 23, 1987. In our view, these concerns can be summarized by the following: 1) When and what amount of site-specific environmental baseline information should be gathered; and 2) Could NRC be precluded from adopting the Environmental Impact Statement (EIS) if DOE does not gather site-specific environmental baseline information?

As for the first question, it appears that the Nuclear Waste Policy Act (NWP) does not specify when or if environmental baseline information needs to be collected prior to site characterization. Apparently, it is your view that DOE should include plans for the collection of environmental baseline information in the Site Characterization Plans (SCPs) and this information should be collected before the site is disturbed by other site characterization activities. Further, it appears to be your view that mitigation measures described in the SCPs, as required by Section 113(b)(1)(A)(iii) of the NWP for sites rejected after site characterization, cannot be proposed unless they are based upon an environmental assessment of site characterization that itself is based upon a site-specific empirically-based environmental baseline. The concern you have raised is a matter between DOE and the States in which the rejected sites are located. This is consistent with Section 113(a) of the NWP, which requires DOE in consultation with affected States and Tribes to conduct site characterization activities in a manner that minimizes any significant adverse environmental impacts identified. For these reasons, and since DOE has primary responsibility for the collection of information at the candidate sites, we believe the most effective approach to resolving this question is through your direct consultation with DOE as provided in the NWP. Such consultation should help to clarify exactly what additional environmental baseline information may be needed.

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WM Project 11

Docket No.

PDR

LPDR (2)

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(Return to WM, 623-SS)

With respect to the second question, let me assure you that the NRC would not adopt an EIS that did not comply with the requirements of the National Environmental Policy Act (NEPA). As we understand your position, DOE's reliance only on "historical data" without gathering site-specific environmental baseline data before site characterization might result in an inadequate EIS and preclude its adoption by the NRC. Since DOE has the lead role for preparing the EIS, we suggest that you relay your concern on this matter to DOE so that an adequate EIS can be developed. In any event, we believe the type of issue you seek to raise will be addressed in conjunction with our rulemaking to amend 10 CFR Parts 51 and 60 to conform with the provisions of the NWPA. This rulemaking will further delineate the scope and procedures that the Commission will follow in adopting DOE's EIS. As part of this rulemaking, the provisions of 10 CFR 60.21(a) which you question in your letter will also be reviewed. The staff anticipates that in lieu of an environmental report, the proposed rule will provide for the submission of a final EIS from DOE with its license application. In the course of this rulemaking, public comments will of course be solicited and considered in the development of the final rule. We also expect to review and comment on DOE's scoping documents and activities for implementing NEPA in addition to commenting on the draft EIS. The pending petition for rulemaking, submitted by the State of Nevada (PRM-60-2A), will also be considered and acted upon.

A specific item that was discussed in your December 24th letter concerns DOE's Meteorological Monitoring Plan for the Nevada site. Due to resource constraints, we have not yet had an opportunity to conduct a detailed review of this plan. However, we do intend to do so at a later date, in conjunction with our review of the SCP.

If you need further clarification of our position, please do not hesitate to contact me at (301)427-4069, or John Linehan of my staff at (301)427-4177.

Sincerely,

LSI

Robert E. Browning, Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: James Knight, DOE

FROM Robert R. Loux Agency for Nuclear Projects		DATE OF DOCUMENT 1/23/87		DATE RECEIVED 1/29/87		NO MM 87056	
TO R.E. Browning		LTR XX		MEMO XX		PORT XX	
CLASSIF		ORIG:		CC		OTHER	
POST OFFICE		ACTION NECESSARY <input checked="" type="checkbox"/>		CONCURRENCE <input type="checkbox"/>		DATE ANSWERED	
REG. NO.		NO ACTION NECESSARY <input type="checkbox"/>		COMMENT <input type="checkbox"/>		BY 2/13/87	
DESCRIPTION (Must Be Unclassified)		FILE CODE: 102.3					
Specific questions re environmental reviews of Yucca Mountain site.		REFERRED TO		DATE		RECEIVED BY	
		J Linehan, WMRP		1/30			
		KP		2/2/87			
		Boyle					
ENCLOSURES							
REMARKS extended to 3/87							

U. S. NUCLEAR REGULATORY COMMISSION

MAIL CONTROL FORM

FORM NRC 326
(1-75)

FROM Robert R. Loux, Nevada		DATE OF DOCUMENT 12/24/86		DATE RECEIVED 12/20/86		NO WM86-1016	
TO Robert E. Browning		LTR XX		MEMO		REPORT	
		ORIG.		CC		OTHER	
		XX					
CLASSIF		POST OFFICE		ACTION NECESSARY <input checked="" type="checkbox"/>		CONCURRENCE <input type="checkbox"/>	
REG. NO.		FILE CODE: 102.3		COMMENT <input type="checkbox"/>		DATE ANSWERED BY 1/16/87	
DESCRIPTION (Must Be Unclassified)		REFERRED TO		DATE		RECEIVED BY	
Req for information on meteorological monitoring program		J. Linahan, WMRP		12/31			
		R. Boyle		1/2			
		COORD. C. R. JOHNSON					
ENCLOSURES							
REMARKS extended to 3/27							

U. S. NUCLEAR REGULATORY COMMISSION

MAIL CONTROL FORM

FORM NRC 326
(1-75)

FROM State of Nevada Nuclear Waste Project Office		DATE OF DOCUMENT 12/4/86	DATE RECEIVED 12/1/86	NO 974 NM86-515
		LTR <input checked="" type="checkbox"/>	MEMO <input type="checkbox"/>	REPORT <input type="checkbox"/>
		OTHER <input type="checkbox"/>		
TO Robert Browning		ORIG. <input type="checkbox"/>	CC <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>
		ACTION NECESSARY <input type="checkbox"/>	CONCURRENCE <input type="checkbox"/>	DATE ANSWERED 12/22/86
		NO ACTION NECESSARY <input type="checkbox"/>	COMMENT <input type="checkbox"/>	BY
CLASSIF	POST OFFICE	FILE CODE: 102.3		
	REG. NO.			
DESCRIPTION (Must Be Unclassified) Requests clarification regarding NRC requirements under 10 CFR 60.21a for ER an ER		REFERRED TO	DATE	RECEIVED BY
		John Linbhan, MRP	12/9	
		<i>Boyle</i>		
		C. Glenn	12/11	
REMARKS <i>Ficket extended to 4/1/87 Extended to 3/27</i>				

U. S. NUCLEAR REGULATORY COMMISSION

MAIL CONTROL FORM

FORM NRC 326
(1-75)

MAR 19 1987

✓ WM87056/GLENN/87/2/6-2

OFFICIAL CONCURRENCE AND DISTRIBUTION RECORD

LETTER TO: Robert Loux, Executive Director
Agency for Nuclear Projects
NWPO (Carson City, NV)

FROM: R. Browning, Director
DWM

SUBJECT: ENVIRONMENTAL BASELINE INFORMATION

DATE:

DISTRIBUTION

WM/SF 3406.1	NMSS RF	RBrowning, WM	MBell, WM
JBunting, WMPC	PJustus, WMT	MKnapp, WMLU	JLinehan, WMRP
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PPrestholt	RMacdougall	JWolf	NStill
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RCook	GGiaratana	PDR	WMRP r/f
CF	AGarcia (Original)		

CONCURRENCES

ORGANIZATION/CONCUREE	INITIALS	DATE CONCURRED
WM/RP CGlenn	<u>CA</u>	87/3/18
WM/RP RBoyle	<u>RB</u>	87/3/18
WM/RP JLinehan	<u>JL</u>	87/3/18
WM/PC JBunting	<u>JB</u>	87/3/18
OGC/	<u>OGC</u>	87/3/18
DWM/ REBrowning	<u>REB</u>	87/3/18

Concurrence per telephone with J. Wolf

(original not received in the WMDCC)

3-19-87 3:00

Date 1 Time

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