



Environmental Review Process in the Office of Nuclear Material Safety and Safeguards

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ENVIRONMENTAL REVIEW REQUIREMENTS

- National Environmental Policy Act (NEPA)
- Implementing Regulations
 - CEQ Regulations: 40 CFR 1500-1508
 - NRC Regulations: 10 CFR 51
- Court Decisions
- Related Federal Laws

NEPA – Sec. 102

- DETAILED STATEMENT ON:
 - ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION
 - ADVERSE IMPACTS THAT CAN'T BE AVOIDED
 - ALTERNATIVES TO THE PROPOSED ACTION
 - LOCAL SHORT-TERM USES vs. LONG-TERM PRODUCTIVITY
 - IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES
- CONSULTATION WITH APPROPRIATE FEDERAL, TRIBAL, STATE and LOCAL AGENCIES (Cooperating Agencies)
- SYSTEMATIC, INTERDISCIPLINARY APPROACH

NRC NEPA IMPLEMENTING REGULATIONS (10 CFR 51)

- NRC licensees comply with 10 CFR 51, NEPA Implementing Regulations
- 10 CFR 51.20, Environmental Impact Statements (EISs)
- 10 CFR 51.21, Environmental Assessments (EAs)
- 10 CFR 51.22, Categorical Exclusions (CATXs)

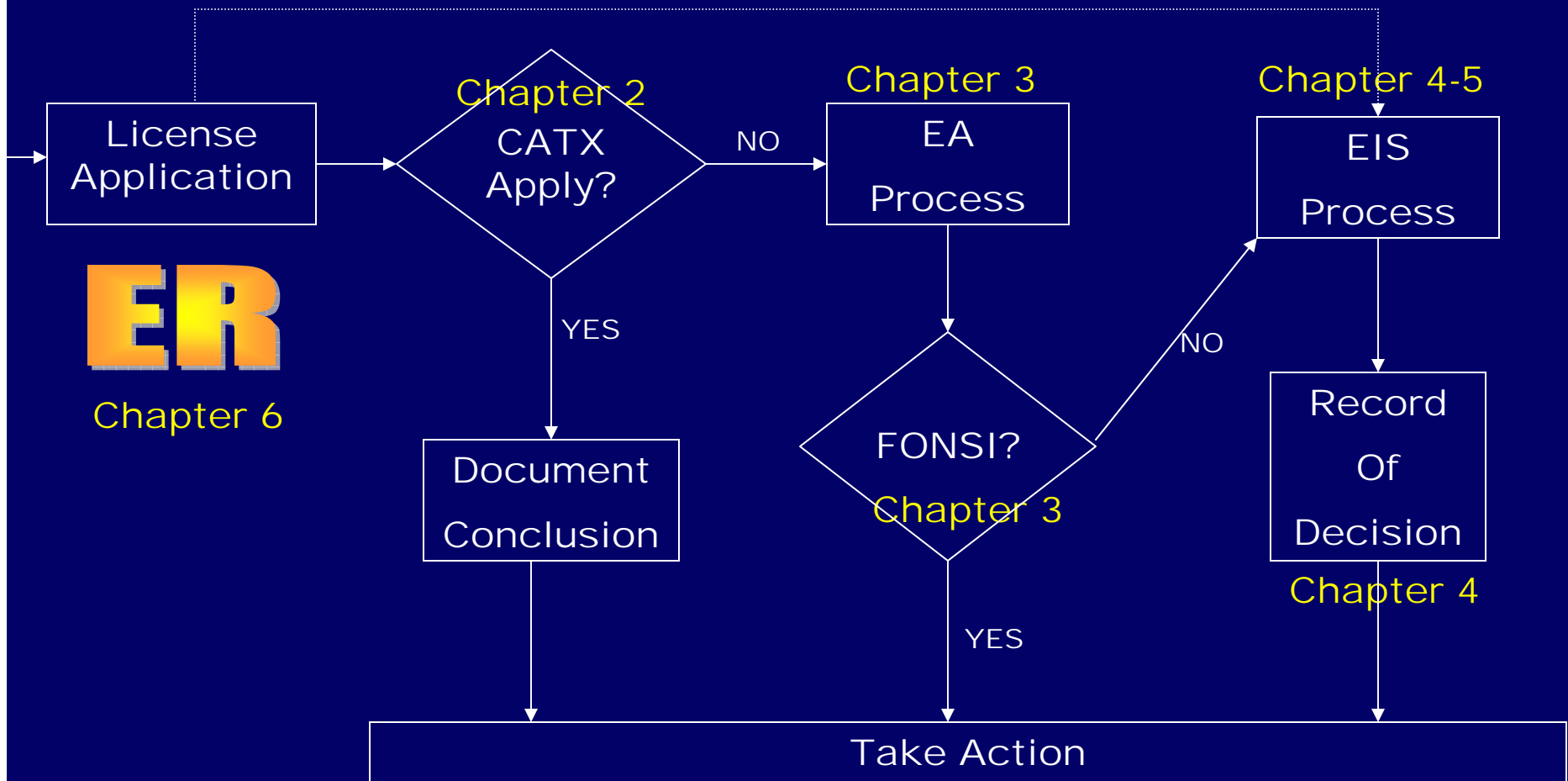
RELATED FEDERAL LAWS

- Endangered Species Act – Section 7 consultation for any federal action that may impact endangered or threatened species or critical habitat.
- National Historic Preservation Act – Section 106 consultation for any Federal action that may affect historic or cultural resources.
- Others (e.g., Coastal Zone Management Act)

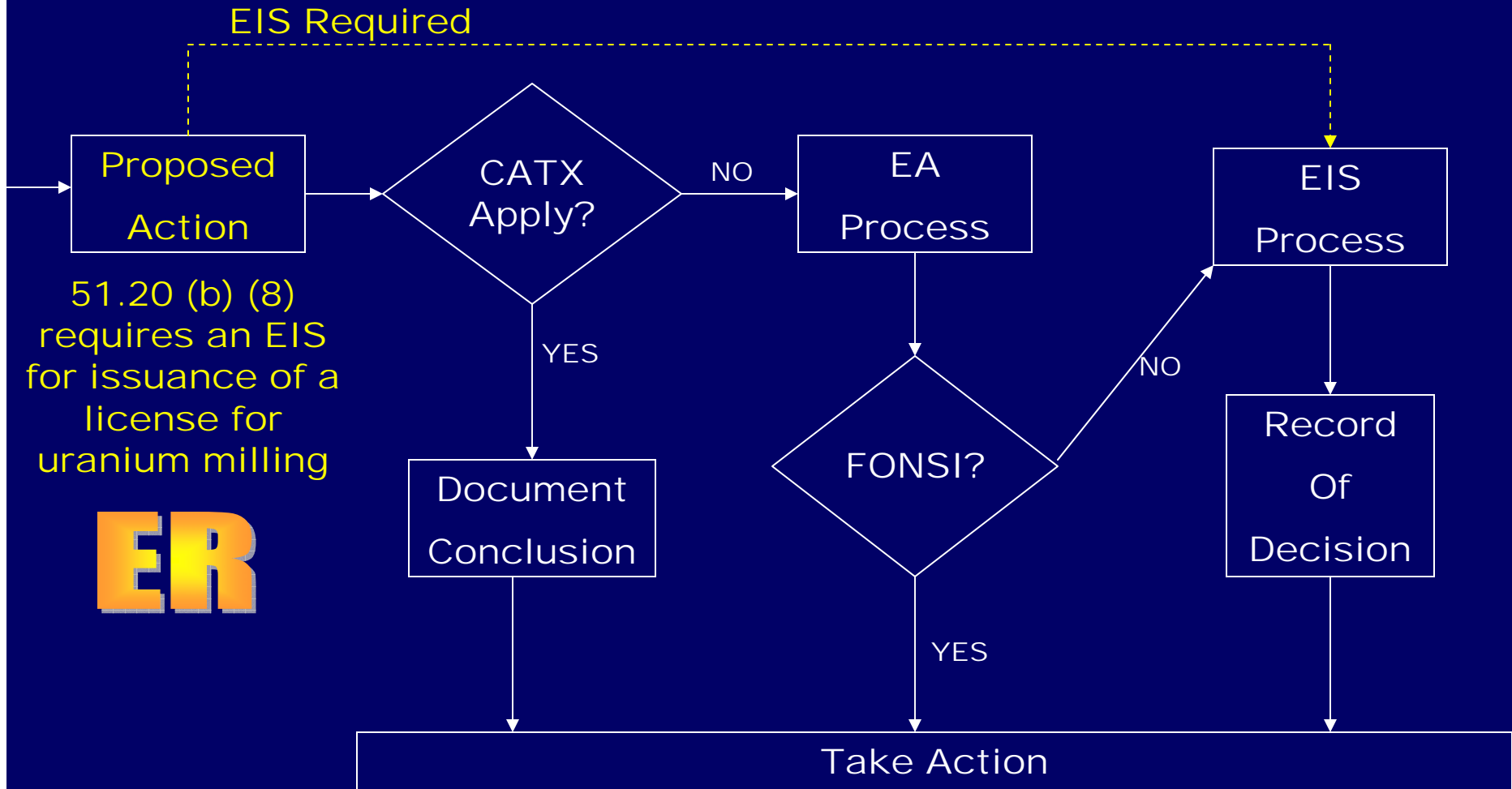
NRC LICENSING ACTIONS

- Three Levels/Types of Environmental Review Documentation
 - CATX
 - EA
 - EIS
- Environmental review required for every NRC licensing action

NMSS GUIDANCE: NUREG-1748



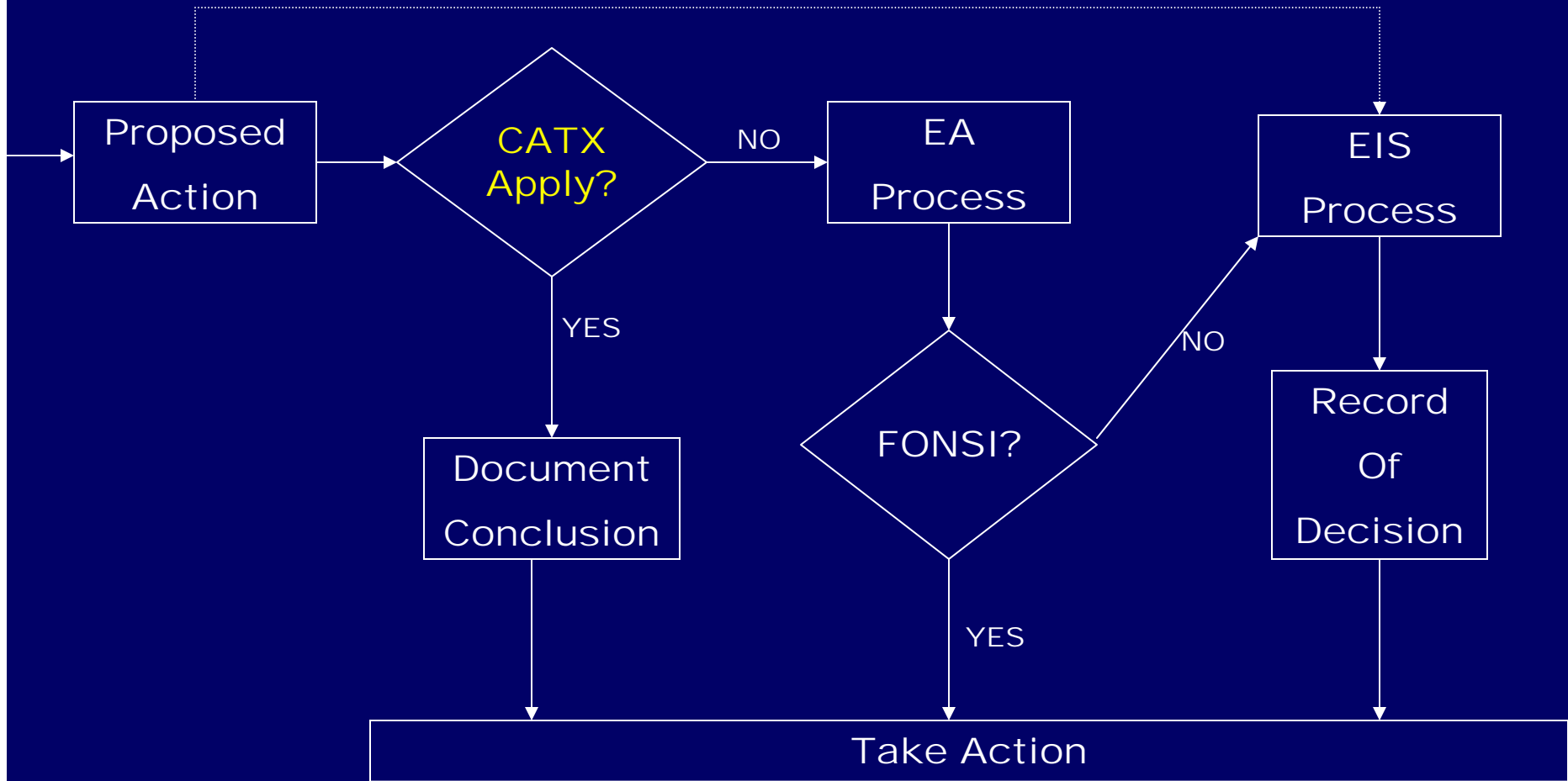
IS EIS REQUIRED Under 10 CFR 51.20?



ENVIRONMENTAL REPORTS

- Applicant required to submit environmental information:
 - EXAMPLES
 - 30.32(f); 40.32(e); 70.21(f)
- 10 CFR 51.40, 51.45, 51.60
- 10 CFR 51.41
- What's in an Environmental Report?
See NUREG – 1748, Chapter 6,
Format and Technical Content.

CATX APPLY?



CATEGORICAL EXCLUSIONS (CATXs)

- CATXs are categories of actions that the Commission has found do not individually or cumulatively have a significant effect on the human environment.
- An EA is not required for actions covered by a CATX, except in special circumstances.

WOULD CATX APPLY?

- License amendment for annual surety review and changes in surety (likely yes)
- CATX 10 CFR 51.22(c)(10)(i):
 - “Changes surety, insurance and/or indemnity requirements.”

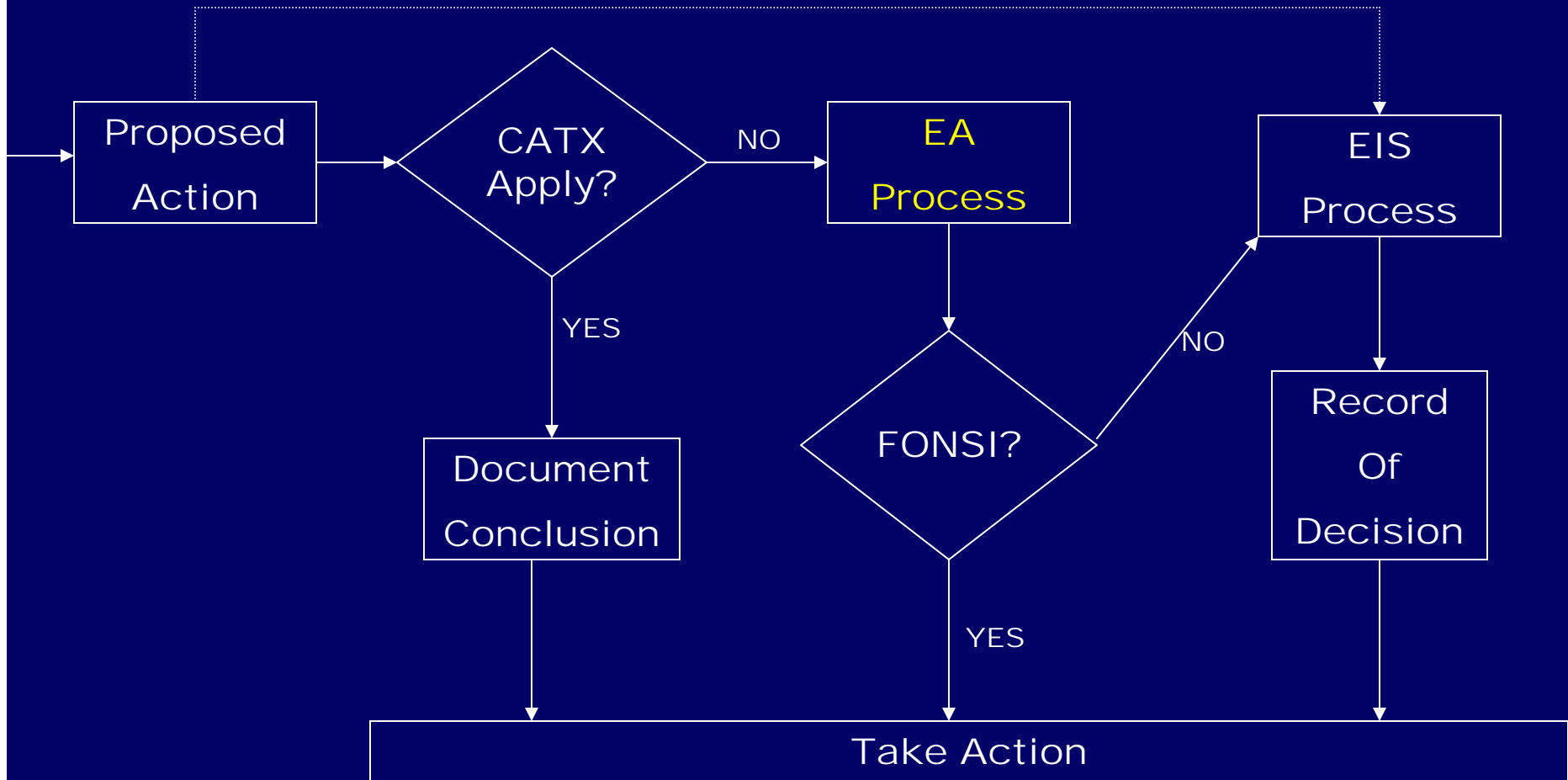
WOULD CATX APPLY?

- Licensee wants to change a piece of equipment or procedure in the milling process (likely yes).
- Existing fuel-cycle facility wishes to double operation by expanding to nearby property (likely no).
- Licensee wants to change restoration standards, point of compliance well locations, or UCLs (likely no).

CATX 10 CFR 51.22 (c) (11)

- Issuance of amendments to licenses for fuel cycle plants.....which are:
- administrative, organizational, or procedural in nature, or which result in a change in process operations or equipment provided...
- no significant change in the types or significant increase in the amounts of...
 - effluents that may be released offsite
 - increase in individual or cumulative occupational radiation exposure
 - construction impact
 - potential for or consequences from radiological accidents

EA REQUIRED



REQUIRED EA CONTENT

(10 CFR 51.30)

- Proposed Action
- Need for the Proposed Action
- Alternatives to the Proposed Action
 - Must include discussion of No-Action Alternative
- Environmental Impacts of Proposed Action and Alternatives
- Agencies and Persons Consulted
- Sources Used

TYPES OF EAs

SIMPLE vs. COMPLEX

- Simple EAs (less than 5 pages)
 - e.g., minor changes to existing facilities
 - Uranium Processing Section (UPS) Licensing PMs prepare simple EAs
- Complex EAs (10-20 pages)
 - e.g., major changes to existing facilities or other actions with substantial “outside” attributes (e.g., earth moving, construction, effluent increases)
 - UPS PMs or Environmental Review Section (ERS) may prepare complex EAs
 - ERS reviews all complex EAs

EA CONTENT

(very similar to ER/EIS content)

- Introduction – not required but is useful to provide necessary background information
- Proposed Action – describe the proposed action
- Need for the Proposed Action
 - Not to be used as justification
 - Describe what needs to be accomplished

EA CONTENT (cont.)

- Alternatives
 - Reasonable alternatives
 - No-Action alternative
 - Not limited to those proposed by applicant
- Environmental Impacts

EA CONTENT (cont.)

- Monitoring or Mitigation (if applicable – not required)
- Agencies and Persons Consulted
 - SECTION 106 Consultation
 - SECTION 7 Consultation
 - Appropriate State or Tribal Official
- Sources Used
- Conclusion

ENVIRONMENTAL IMPACTS

TYPES OF IMPACTS

- Radiological and Non-radiological
- Beneficial, Adverse
- Direct, Indirect, and Cumulative

ENVIRONMENTAL IMPACT RESOURCE AREAS (SAME FOR EAs AND EISs)

- Site and/or Facility, Regional Setting
- Geology and Soils
- Water Resources
- Ecology, Endangered Species
- Meteorology/Climatology, Air Quality
- Noise

ENVIRONMENT IMPACTS RESOURCE AREAS (cont.)

- Historic and Cultural Resources
- Visual/Scenic Resources
- Socioeconomics
- Public Health
- Waste
- Transportation

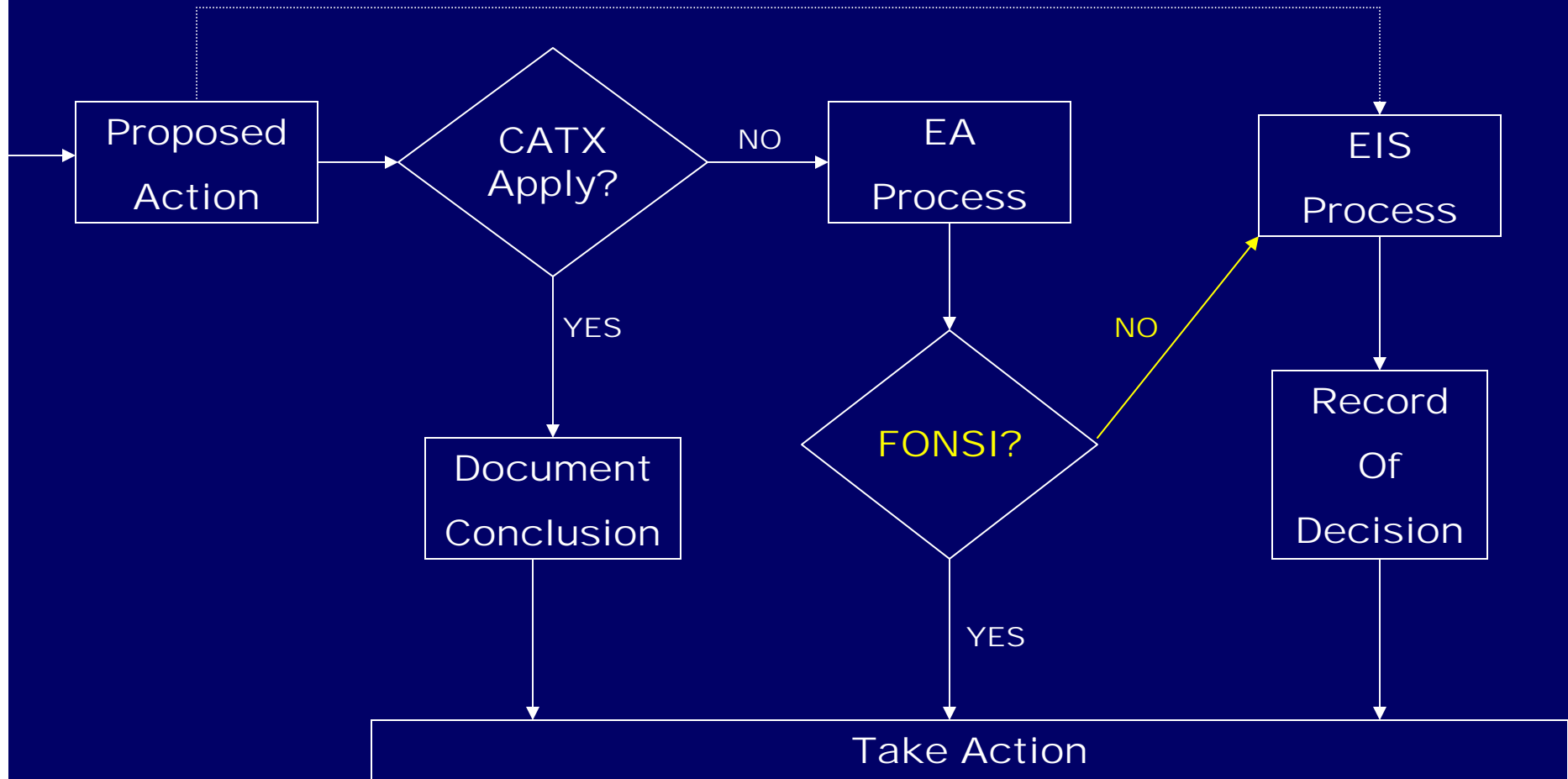
EA CONCLUSION

- Two possible outcomes:
 - Finding of no significant impacts is appropriate
 - Finding significant impacts expected
- Must determine impacts and their significance
- Significance = Context + Intensity
- Mitigated FONSI

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

- FONSI – 10 CFR 51.32
 - Publish in Federal Register
 - Proposed Action
 - Statement that EIS will not be prepared
 - Describe why no significant effects on environment
 - Reference related documents
 - State where the documents are available for public inspection

NO FONSI



EIS PROCESS

- Prepared by Env. Review Section
- Publish Notice of Intent
- Scoping Comment Period (public involvement)
- Scoping Report
- Draft EIS prepared
- Draft EIS Public Comment Period (public involvement)
- Final EIS Prepared
- Hearing Process
- Record of Decision (ROD) in *FR*

REQUIRED EIS CONTENT

(10 CFR 51, Appendix A)

- Summary
- Purpose of and need for action
- Alternatives including the proposed action
 - Must include discussion of No-Action Alternative
- Affected Environment
- Environmental consequences and mitigating actions

ENVIRONMENTAL REVIEW CONSIDERATIONS

- An Environmental Impact Statement is a statement of environmental impacts
- A Finding of No Significant Impact is not a finding of no impact

ENVIRONMENTAL REVIEW CONSIDERATIONS

(CONT.)

- The NEPA review is process driven
- EAs and EISs are decision making documents
- Do not take the place of Safety or Technical Evaluations
- NEPA does not protect against poor decisions

HOW LONG DOES THIS PROCESS TAKE?

- CATX: 1-6 months
- Simple EA: 1-6 months
- Complex EA: 6-10 months
- EIS: 18-24 months
- Supplemental EIS: 15-21 months
- Hearing: 12+ months

QUESTIONS WE'VE HEARD

Q. If we are in restoration or reclamation and our mill is in standby, what do we need to do to restart?

A. This action *may* be CATX'ed as procedural or administrative provided that there is not an increase in effluents and that the current operation is bounded by a prior license application and environmental review (the burden is on the licensee to document a CATX is appropriate).

QUESTIONS WE'VE HEARD

Q. If we own or purchase a licensed site in reclamation and want to build a new mill, what do we need to do?

A. This action will likely require a Supplemental EIS to update and analyze the environmental conditions in the previous EIS.

QUESTIONS WE'VE HEARD

Q. At our licensed conventional site, we have ore that is too deep to conventional mine but is ideal for ISL mining, what is required?

A. This action will likely require a supplemental EIS to update and analyze the environmental conditions in the previous EIS.

QUESTIONS?

