

May 4, 2015

MEMORANDUM TO: Yucca Mountain Directorate Staff

FROM: Josephine M. Piccone, Director */RA/*
Yucca Mountain Directorate
Office of Nuclear Material Safety
and Safeguards

SUBJECT: ISSUANCE OF ADDENDUM TO POLICY AND PROCEDURE
LETTER 15, "GENERAL GUIDANCE FOR STAFF ON YUCCA
MOUNTAIN REVIEW ACTIVITIES"

Enclosed for your use is an addendum to the Yucca Mountain Directorate Director's Policy and Procedure Letter 15. This addendum is titled "Guidance for Completing the EIS Supplement" and should be used as guidance by staff involved in preparing the supplement to DOE's Yucca Mountain repository environmental impact statement.

If you have any comments or questions about the enclosed procedure, please contact Christine Pineda.

Enclosure:
Guidance for Completing the EIS Supplement,
Addendum to Director's Policy and
Procedure Letter 15

CONTACT: Christine Pineda, YMD
(301) 415-6789

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*concurred via email

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Guidance for Completing the EIS Supplement

May 2015

Addendum to
Director's Policy and Procedure Letter 15
General Guidance for Staff on Yucca Mountain Review Activities

This document is an addendum to the general guidance named above, which was issued February 27, 2014 and is available in ADAMS at ML14057A618. The section on page 3 of that document, titled "Guidance for Review and Potential Adoption Determination of the EIS Supplement," is renamed "Guidance for Completing the EIS Supplement" and replaced with what follows.

DOE announced its intention not to prepare a supplement to its Yucca Mountain repository EISs to address the groundwater issues identified by the NRC staff during the staff's 2008 EIS review.¹ Therefore, pursuant to Commission direction in SRM-COMSECY-14-0041, the NRC staff will develop and issue a draft EIS supplement for public comment and a final EIS supplement.

In its adoption determination report for the DOE EISs for the Yucca Mountain repository, the NRC staff stated a need for supplementation in two areas related to groundwater (see the NRC staff's Adoption Determination Report [ML082420342], 2008, section 3.2.1.4.2):

- Impacts on groundwater, including the full extent of the volcanic-alluvial aquifer, the cumulative amount of radiological and non-radiological contaminants that can be reasonably expected to enter the aquifer from the repository and the amount that could reasonably remain over time, and estimates of contamination in the groundwater, given potential accumulation of radiological and non-radiological contaminants.
- Impacts from surface discharges of groundwater, including a description of the locations of potential natural discharge of contaminated groundwater for present and expected future wetter periods, a description of the physical processes at the surface discharge locations that can affect accumulation, concentration, and potential remobilization of groundwater-borne contaminants, and estimates of the amount of contaminants that could be deposited at or near the surface.

In 2014, the DOE provided to NRC staff an update of its 2009 technical report (ADAMS Accession No. ML092150328, update at ML14303A399) intended to address these areas ("Analysis of Postclosure Groundwater Impacts for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at a Yucca Mountain, Nye County, Nevada"). The staff will use this technical report and other references in developing the supplement. To develop the supplement, the staff should complete the following activities:

- Publish in the *Federal Register* a Notice of Intent to develop the EIS supplement.
- Review the NRC staff's September 2008 Adoption Determination Report (ADR), especially the description of supplement needs in Section 3.2.1.4.2.

¹ Letter from William J. Boyle, DOE, to Josephine Piccone, NRC, dated February 28, 2014, stating that DOE defers to the NRC regarding the preparation of the EIS supplement.

ENCLOSURE

- Develop draft EIS supplement text in accordance with applicable requirements in 10 CFR Part 51 (e.g., 10 CFR 51.92, concerning EIS supplements) and applicable guidance in NUREG-1748, “Environmental Review Guidance for Licensing Actions Associated with NMSS Programs.”
- Wherever possible and appropriate, staff should quote, summarize, and/or incorporate by reference supporting information or analyses, including tables and figures.
- Within the scope of the items identified for additional supplementation in the ADR, conduct new analysis as needed to ensure that the supplement is complete. Retain documentation of any analyses, confirmatory exercises, or model inputs and outputs.
- Ensure that all references used for the supplement are publicly available (in ADAMS) at the time the draft supplement becomes publicly available.
- Notice and publish the draft supplement in accordance with the NRC’s publication requirements and guidance for NEPA documents; file the supplement with the EPA and provide to other agencies as needed, including the opening of the public comment period.
- Hold NRC public meetings on the draft document.
- Process and develop responses to public comments on the draft document.
- Revise supplement as appropriate to address issues raised in public comments.
- Notice and publish the final supplement.

Throughout the process, project staff will adhere to project management timelines and inform management of any issues that may significantly affect schedule and resources, such as the following:

- Technical staff determines that additional information is needed from the applicant or that other significant efforts are required to conduct new analyses, because the DOE report and other available references do not sufficiently address the supplementation topics.
- Public comments on the draft supplement identify an issue that must be addressed through new analysis, requiring a significant level of effort.
- The volume of public comments exceeds the level anticipated and requires more staff time to address. The impact could be greater if sufficiently qualified staff are not available to develop comment responses in accordance with the schedule.

Further guidance will be developed if necessary.

Additional References

NUREG-1748, “Environmental Review Guidance for Licensing Actions Associated with NMSS Programs,” August 2003. ML032450279

Project Plan, Yucca Mountain Review Activities, Addendum for Environmental Impact Statement Supplement, December 2014 (enclosure 2 to COMSECY-14-0041), ML14337A263

Approved: Josephine M. Piccone, Director, YMD

Date: May 4, 2015