

April 19, 2002

Mr. James Connaughton, Chair
Council On Environmental Quality
Executive Office of the President
Washington, D.C. 20503

RE: Department of Energy's Final Environmental Impact Statement for Yucca Mountain

Dear Mr. Connaughton:

I have reviewed a copy of your February 12, 2002 letter to Secretary of Energy Spencer Abraham regarding the FEIS for Yucca Mountain. Your letter states that CEQ has reviewed the FEIS and has determined that "to date" the Department of Energy has met the procedural requirements set out in the National Environmental Policy Act (NEPA). Eureka County is concerned that failure by DOE and the Environmental Protection Agency to adhere to certain requirements of NEPA may eliminate important venues for addressing and obtaining commitments to mitigate Yucca Mountain related impacts.

Attached, please find a copy of a letter from DOE indicating that the Department does not anticipate issuing a Record of Decision regarding the Yucca Mountain project. I note that DOE has, in 10 CFR 1021, adopted the regulations for implementing NEPA published by the Council On Environmental Quality in 40 CFR parts 1500 through 1508.

Having received and reviewed a FEIS for Yucca Mountain, Eureka County would appreciate CEQ's timely response to the following questions:

1. Upon receiving the FEIS for Yucca Mountain, was EPA required to publish a Notice of Availability in the Federal Register?
2. Will a 30-day review period on the FEIS for Yucca Mountain occur and if so, on what date would said review period commence?
3. Does NEPA require Secretary Abraham to wait at least 30 days after the Notice of Availability of the FEIS for Yucca Mountain is published before taking any

- action (i.e. recommending the Yucca Mountain site to the President) that is the subject of the FEIS?
4. Is DOE required to issue a Record of Decision regarding the FEIS for Yucca Mountain?
 5. What will EPA do with comments it receives on the FEIS for Yucca Mountain?
 6. Since issuing your letter to Secretary Abraham on February 12, 2002, is it still the opinion of CEQ that DOE has met the procedural requirements of NEPA?
 7. Does CEQ believe that EPA has, since receiving the FEIS for Yucca Mountain, met the procedural requirements of NEPA?

Your reply to these questions is greatly appreciated.

Sincerely,

Pete Goicoechea
Chairman

Attachment