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See pocket 1 for encl.

WM Record File 102.5 WM Project 11
 Docket No. _____
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 DEC 12 1986 PDR w/o encl.
 Distribution: _____

 (Return to WM, 623-SS)

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

Dear Mr. Loux:

This is in response to your letter of November 4, 1986 in which you requested (1) a schedule for the issuance of NRC's staff comments on the final Environmental Assessments (EA); (2) a copy of the final EA Review Plan; and (3) information concerning NRC's plans on environmental reviews for site characterization.

With regard to the schedule for the issuance of NRC's comments on the final EA's, we anticipate that the staff comments will be issued in December. These comments will be sent to DOE with distribution to other parties following our standard distribution/notification procedures.

Regarding your request for the final EA Review Plan, I understand that we have already sent a copy of the plan on October 27, 1986 to Charles Malone of your office at his request; however, I am enclosing another copy for your use.

With regard to the third item (i.e., information concerning NRC's plans on environmental reviews), I would like to address your questions individually.

1. NRC considers that the EAs referred to in Section 113 (a) of the NWSA are the same EAs discussed in Section 112. As such, we perceive no requirement, under Section 113 (a), for additional EAs to supplement DOE's Site Characterization Plans. Therefore, NRC has not developed any plans.
2. Under Section 113 (b) of the NWSA, NRC has authority to review and comment on DOE's site characterization plans including the plans for the mitigation of any significant adverse environmental impacts caused by site characterization if a site is determined to be unsuitable for a repository. We expect to exercise this authority by:
 - a) Examining the descriptions of adverse impacts presented by DOE;
 - b) Considering the reasonableness of the mitigation measures proposed by DOE; and

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- c) Including comments to DOE in our overall evaluation of DOE's site characterization plan.

NRC has no licensing authority at the site characterization stage and therefore cannot explicitly require any particular mitigation actions by DOE. Therefore, apart from our comments on the site characterization plan, NRC has no plans for addressing issues concerning the mitigation of impacts caused by site characterization.

3. NRC does not intend to issue Site Technical Positions or Generic Technical Positions regarding environmental reviews for site characterization. Please refer in this regard to the Commission's discussion of this matter in the course of recent amendments to 10 CFR Part 60 (51 Federal Register 27158, July 30, 1986), especially section "d" of the comments discussed in the preamble. The Commission there indicated that, under NWPA, its prelicensing review of NEPA issues was not intended to be extensive and that no special procedures are required at the site characterization stage in order to assure that the Commission would be able to meet its ultimate NEPA responsibilities. The Commission also notes, however, that changes to 10 CFR Part 51 will be required in order to provide for NEPA implementation in the subsequent licensing process. The Commission intends, as soon as possible, to issue a proposed rule dealing with its environmental review responsibilities under NEPA.

If you should have questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Original Signed by
MICHAEL J. BELL



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

Enclosure: As stated

FROM State of Nevada		DATE OF DOCUMENT 11/4/86	DATE RECEIVED 11/12/86	NO MM86-918
		LTR X	MEMO	REPORT OTHER
TO R. E. Browning		ORIG.	CC X	OTHER 11/26/86
		ACTION NECESSARY <input checked="" type="checkbox"/>	CONCURRENCE <input type="checkbox"/>	DATE ANSWERED 11/26/86
		NO ACTION NECESSARY <input type="checkbox"/>	COMMENT <input type="checkbox"/>	BY
CLASSIF	POST OFFICE	FILE CODE: 102.5		
	REG. NO.	REFERRED TO	DATE	RECEIVED BY
DESCRIPTION (Must Be Unclassified) HRC schedule for completion & issuance of the review on EA's.		KX John Linehan, RP	11/13	
ENCLOSURES		R. JOHNSON/Boyle	11/13	
		of 12/10		
REMARKS				