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DEC -9 P3:40

OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711

December 5, 1985

Mr. William J. Dircks
Executive Director for Operations
United States Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Dircks:

In reviewing the NRC high-level waste actions under the Nuclear Waste Policy Act (SECY-85-40, schedule) I note an action item regarding the review and comment on the DOE draft Environmental Assessments for potential repository sites, which has already been accomplished. However, I find no entry in the schedule for any form of an NRC review of the Final Environmental Assessments that the DOE has currently scheduled for completion by the end of February, 1986.

In considering both the anticipated coordination of NRC activities with those of the affected waste repository states and tribes, and the NRC's growing role in pre-licensing discussion with the DOE, it would appear that there should be some level of formal NRC review of the Final EAs, and the manner in which the NRC comments were incorporated, in order to provide a clearly documented basis for the NRC's future reference to the data, interpretations and findings incorporated in those documents. I am not aware of any plans for a formal, or informal NRC review of the Final EAs, and would appreciate your informing me if any such review by the NRC is anticipated.

As you are probably aware, the State of Texas comments on the draft EAs for the two potential Texas repository sites incorporated the technical substance of the NRC's comments on those drafts because they largely coincided with the geotechnical concerns that arose during the course of our review. It would be of considerable value to us, mutually, to be able to, once again, have the capability of enhancing the level of technical confidence we share in our reviews through the comparison of independent reviews of the documents. The primary value in this enhancement of confidence will accrue in our separate and joint interactions with DOE during its development of Site Characterization Plans. A further value in an NRC review of the Final EAs is that it provides an early documentation of a portion of the basis for NRC's fulfilling its independent responsibilities under the National Environmental Policy Act during the repository licensing process.

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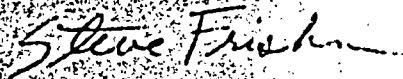
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I would appreciate your views on the suggestion I have made here for an NRC review of the DOE's Final Environmental Assessments as I feel such action by the NRC will, among other advantages, serve the important goal of enhancing the ongoing consultation between the affected states and tribes and the NRC. I am available to discuss this matter further with you at your convenience, should that be necessary.

Thank you for your interest and consideration in this matter, and I look forward to hearing from you.

Sincerely,



Steve Frishman, Director
Nuclear Waste Programs Office

SF:dp

cc: Commissioner Nunzio J. Palladino,
Chairman, U.S. Nuclear Regulatory Commission

✓ Robert Browning, Director
Division of Waste Management