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Docket No. \_\_\_\_\_  
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DEC 05 1985

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JDavis  
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KBone (0)

MEMORANDUM FOR: Guy H. Cunningham III  
Executive Legal Director  
  
FROM: John G. Davis, Director  
Office of Nuclear Material Safety  
and Safeguards  
  
SUBJECT: DEVELOPMENT OF REGULATIONS RELATED TO NEPA FOR HIGH-LEVEL  
WASTE DISPOSAL

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PDR WASTE PDR  
WM-1





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(Signed) Donald D. Mausshardt

John G. Davis, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:

Letter from W. J. Purcell to R. Browning dated 09/03/85 *(already in POR)*

\*See previous concurrence

OFC	:WMP:lem*	:WMP:*	:WMP*	:DWM*	:DWM*	:NMSS	:NMSS
NAME	:RBoyle	:HJMiller	:JBunting	:MJBell	:REBrowning	:DMAusshardt	:JGDavis
DATE	:11/ /85	:11/ /85	:11/ /85	:11/ /85	:11/ /85	:11/21/85	:11/ /85

*Travel*

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NAME	:RBoyle *	:HJMiller*	:JBunting *	:MJB	:REBrowning	:DMAusshardt	:JGDavis
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*see note*

DFC	:WMRP:tem	<i>RB</i> :WMRP:	:WMPC	:DWM	:DWM	:NMSS	:NMSS
NAME	:RBoyle	:HJMiller	:JBunting	:MJBell	:REBrowning	:DMAusshardt	:JGDavis
DATE	:11/20/85	:11/30/85	:11/21/85	:11/ /85	:11/ /85	:11/ /85	:11/ /85

*Barber - dig my notes at dig + Mark up several go in file*

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~~HJMiller~~ JGiarratana  
MRKnapp RCook  
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*see note*

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11/22/85

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However, there appears to  
be some inconsistency between  
this letter and previous  
positions taken in our  
letter on the PDS which I want  
to call to your attention  
(see mark up attached) for  
your consideration.

12/10

Joe Bunting

Joe B.  
All but a few <sup>minor</sup> editorial comments  
were incorporated into  
this memo. Were you  
aware of this and  
did you mean for  
this note to go up  
with the concurrence  
package?

Hub



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

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Project Decision Schedule #2  
in the draft PDS (draft PDS)  
DOES #3

NEPA process (i.e., lead agency, joint lead agency, cooperating agency, commenting agency, etc.). DOE has indicated that it intends to request that the NRC be a "cooperating agency" in their preparation of an EIS (see Enclosure 1). Therefore, the options paper to the Commission should address ~~these various~~ roles and the feasibility (and/or the lack thereof) of NRC playing ~~the various~~ roles in adopting DOE's EIS.

both the commenting and cooperating agency  
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Criteria for Adopting the DOE EIS

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Timing of the Adoption

The timing of NRC's adoption of the EIS will affect the procedure for adopting the EIS. The DOE Draft Project Decision Schedule indicated that the draft EIS will be issued in June, 1990, and the final EIS will be issued in December, 1990, the construction authorization application will be tendered in May, 1991, and the construction authorization will be issued in August 1993. ~~DOE~~ indicated that NRC will adopt the EIS in June, 1991.

No  
Table 1

draft PDS

No  
Subs

If it was decided that the NRC should litigate NEPA issues in the licensing hearing, the NRC would not be able to adopt the EIS until August 1993 at the earliest. On the other hand, if a procedure were developed that did not require litigation of NEPA issues at the licensing hearing, the NRC might be able to adopt the EIS as early as DOE indicates in the Project Decision Schedule (i.e., June 1991).

not consistent w/ bowed PDS comments #4 + #8

No  
#6  
10/1994

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#8

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Timeline?  
Not consistent w/ DOE PDS comments

draft PDS

July 1994

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