

## § 51.80

### DRAFT ENVIRONMENTAL IMPACT STATEMENTS—MATERIALS LICENSES

#### **§ 51.80 Draft environmental impact statement—materials license.**

(a) The NRC staff will either prepare a draft environmental impact statement or as provided in § 51.92, a supplement to a final environmental impact statement for each type of action identified in § 51.20(b) (7) through (12). Except as the context may otherwise require, procedures and measures similar to those described in §§ 51.70, 51.71, 51.72 and 51.73 will be followed.

(b)(1) *Independent spent fuel storage installation (ISFSI)*. As stated in § 51.23, the generic impact determinations regarding the continued storage of spent fuel in NUREG-2157 shall be deemed incorporated in the environmental impact statement.

(2) *Monitored retrievable storage installation (MRS)*. As provided in sections 141 (c), (d), and (e) and 148 (a) and (c) of the Nuclear Waste Policy Act of 1982, as amended (NWPA) (96 Stat. 2242, 2243, 42 U.S.C. 10161 (c), (d), (e); 101 Stat. 1330-235, 1330-236, 42 U.S.C. 10168 (a) and (c)), a draft environmental impact statement for the construction of a monitored retrievable storage installation (MRS) will not address the need for the MRS or any alternative to the design criteria for an MRS set forth in section 141(b)(1) of the NWPA (96 Stat. 2242, 42 U.S.C. 10161(b)(1)) but may consider alternative facility designs which are consistent with these design criteria.

[49 FR 34695, Aug. 31, 1984, as amended at 53 FR 31682, Aug. 19, 1988; 79 FR 56262, Sept. 19, 2014]

#### **§ 51.81 Distribution of draft environmental impact statement.**

Copies of the draft environmental impact statement and any supplement to the draft environmental impact statement will be distributed in accordance with the provisions of § 51.74.

### DRAFT ENVIRONMENTAL IMPACT STATEMENTS—RULEMAKING

#### **§ 51.85 Draft environmental impact statement—rulemaking.**

Except as the context may otherwise require, procedures and measures simi-

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lar to those described in §§ 51.70, 51.71, 51.72 and 51.73 will be followed in proceedings for rulemaking for which the Commission has determined to prepare an environmental impact statement.

#### **§ 51.86 Distribution of draft environmental impact statement.**

Copies of the draft environmental impact statement and any supplement to the draft environmental impact statement will be distributed in accordance with the provisions of § 51.74.

### LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENTS—PROPOSALS FOR LEGISLATION

#### **§ 51.88 Proposals for legislation.**

The Commission will, as a matter of policy, follow the provisions of 40 CFR 1506.8 regarding the NEPA process for proposals for legislation.

### FINAL ENVIRONMENTAL IMPACT STATEMENTS—GENERAL REQUIREMENTS

#### **§ 51.90 Final environmental impact statement—general.**

After receipt and consideration of comments requested pursuant to §§ 51.73 and 51.117, the NRC staff will prepare a final environmental impact statement in accordance with the requirements in §§ 51.70(b) and 51.71 for a draft environmental impact statement. The format provided in section 1(a) of appendix A of this subpart should be used.

#### **§ 51.91 Final environmental impact statement—contents.**

(a)(1) The final environmental impact statement will include responses to any comments on the draft environmental impact statement or on any supplement to the draft environmental impact statement. Responses to comments may include:

- (i) Modification of alternatives, including the proposed action;
- (ii) Development and evaluation of alternatives not previously given serious consideration;
- (iii) Supplementation or modification of analyses;
- (iv) Factual corrections;
- (v) Explanation of why comments do not warrant further response, citing