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document, entitled “Applicant’s Environmental Report—License for Land Disposal of Radioactive Waste.” The environmental report and any supplement to the environmental report may incorporate by reference information contained in the application or in any previous application, statement or report filed with the Commission provided that such references are clear and specific and that copies of the information so incorporated are available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

(b) The environmental report shall contain the information specified in §51.45, shall address the applicant’s environmental monitoring program required by §§61.12(1), 61.53 and 61.59(b) of this chapter, and shall be as complete as possible in the light of information that is available at the time the environmental report is submitted.

(c) The applicant shall supplement the environmental report in a timely manner as necessary to permit the Commission to review, prior to issuance, amendment or renewal of a license, new information regarding the environmental impact of previously proposed activities, information regarding the environmental impact of any changes in previously proposed activities, or any significant new information regarding the environmental impact of closure activities and long-term performance of the disposal site.

[49 FR 9381, Mar. 12, 1984, as amended at 53 FR 43420, Oct. 27, 1988; 64 FR 48952, Sept. 9, 1999]

§51.66 Environmental report—number of copies; distribution.

(a) Each applicant for a license or other form of permission, or an amendment to or renewal of a license or other form of permission issued pursuant to parts 30, 32, 33, 34, 35, 36, 39, 40, 61, 70 and/or 72 of this chapter, and covered by paragraphs (b) (1) through (6) of §51.60; or by §51.61 or §51.62 shall submit to the Director of Nuclear Material Safety and Safeguards an environmental report or any supplement to an environmental report in the number of copies specified. The applicant shall retain additional copies of the environmental report or any supplement to

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the environmental report in the number of copies specified for distribution to Federal, State, and local officials and any affected Indian tribes in accordance with written instructions issued by the Director of Nuclear Material Safety and Safeguards.

(b)

ENVIRONMENTAL REPORT

Type of licensing action	Number of copies to be submitted with application	Number of copies to be retained by applicant for subsequent distribution
Licensing actions requiring environmental impact statements pursuant to §51.20(b).	25 copies	125 copies.
Licensing actions requiring environmental assessments pursuant to §51.21.	15 copies	None.

[49 FR 9381, Mar. 12, 1984, as amended at 52 FR 8241, Mar. 17, 1987; 58 FR 7737, Feb. 9, 1993]

§51.67 Environmental information concerning geologic repositories.

(a) In lieu of an environmental report, the Department of Energy, as an applicant for a license or license amendment pursuant to part 60 of this chapter, shall submit to the Commission any final environmental impact statement which the Department prepares in connection with any geologic repository developed under Subtitle A of Title I, or under Title IV, of the Nuclear Waste Policy Act of 1982, as amended. (See §60.22 of this chapter as to required time and manner of submission.) The statement shall include, among the alternatives under consideration, denial of a license or construction authorization by the Commission.

(b) Under applicable provisions of law, the Department of Energy may be required to supplement its final environmental impact statement if it makes a substantial change in its proposed action that is relevant to environmental concerns or determines that there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. The Department shall submit any supplement to its final environmental impact

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statement to the Commission. (See §60.22 of this chapter as to required time and manner of submission.)

(c) Whenever the Department of Energy submits a final environmental impact statement, or a final supplement to an environmental impact statement, to the Commission pursuant to this section, it shall also inform the Commission of the status of any civil action for judicial review initiated pursuant to section 119 of the Nuclear Waste Policy Act of 1982. This status report, which the Department shall update from time to time to reflect changes in status, shall:

(1) State whether the environmental impact statement has been found by the courts of the United States to be adequate or inadequate; and

(2) Identify any issues relating to the adequacy of the environmental impact statement that may remain subject to judicial review.

[54 FR 27870, July 3, 1989]

ENVIRONMENTAL REPORTS—RULEMAKING

§51.68 Environmental report—rule-making.

Petitioners for rulemaking requesting amendments of parts 30, 31, 32, 33, 34, 35, 36, 39, 40 or part 70 of this chapter concerning the exemption from licensing and regulatory requirements of or authorizing general licenses for any equipment, device, commodity or other product containing byproduct material, source material or special nuclear material shall submit with the petition the number of copies, as specified in §51.69, of a separate document entitled "Petitioner's Environmental Report," which shall contain the information specified in §51.45.

[49 FR 9381, Mar. 12, 1984, as amended at 52 FR 8241, Mar. 17, 1987; 58 FR 7737, Feb. 9, 1993]

§51.69 Environmental report—number of copies.

Petitioners for rulemaking covered by §51.68 shall submit fifty (50) copies of an environmental report or any supplement to an environmental report.

ENVIRONMENTAL IMPACT STATEMENTS

DRAFT ENVIRONMENTAL IMPACT STATEMENTS—GENERAL REQUIREMENTS

§51.70 Draft environmental impact statement—general.

(a) The NRC staff will prepare a draft environmental impact statement as soon as practicable after publication of the notice of intent to prepare an environmental impact statement and completion of the scoping process. To the fullest extent practicable, environmental impact statements will be prepared concurrently or integrated with environmental impact analyses and related surveys and studies required by other Federal law.

(b) The draft environmental impact statement will be concise, clear and analytic, will be written in plain language with appropriate graphics, will state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of NEPA and of any other relevant and applicable environmental laws and policies, will identify any methodologies used and sources relied upon, and will be supported by evidence that the necessary environmental analyses have been made. The format provided in section 1(a) of appendix A of this subpart should be used. The NRC staff will independently evaluate and be responsible for the reliability of all information used in the draft environmental impact statement.

(c) The Commission will cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, in accordance with 40 CFR 1506.2 (b) and (c).

§51.71 Draft environmental impact statement—contents.

(a) *Scope.* The draft environmental impact statement will be prepared in accordance with the scope decided upon in the scoping process required by §§51.26 and 51.29. As appropriate and to the extent required by the scope, the draft statement will address the topics in paragraphs (b), (c), (d) and (e) of this section and the matters specified in