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October 18, 2000

A. L. Vietti-Cook  
Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555-0001

Attention: Rulemakings and Adjudications Staff

**COMMENTS ON NRC NOTICE OF PROPOSED RULEMAKING FOR LICENSING PROCEEDINGS FOR THE RECEIPT OF HIGH-LEVEL RADIOACTIVE WASTE AT A GEOLOGIC REPOSITORY: LICENSING SUPPORT NETWORK, DESIGN STANDARDS FOR PARTICIPATING WEBSITES (10 CFR Part 2)**

Dear Ms. Vietti-Cook:

The Nevada Agency for Nuclear Projects is the agency charged by Nevada Statute to carry out the State's required oversight of the U.S. High-Level Nuclear Waste Program as established by the Nuclear Waste Policy Act as amended. These comments are being submitted on behalf of the State of Nevada in reference to the U.S. Nuclear Regulatory Commission's August 22, 2000, "Notice of Proposed Rulemaking for Amendments to 10 CFR Part 2, Subpart J, Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository."

There is increasing uncertainty regarding the DOE's schedule for both the potential Site Recommendation of the Yucca Mountain site and, if recommended, the potential submittal of a repository license application to the Nuclear Regulatory Commission (NRC). And, there is increasing certainty that significant new and revised information about the site characteristics and proposed repository design will be developed by DOE during the period of time between Site Recommendation and license application. For these reasons, we are concerned about the linkage

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of the proposed certification of parties' and potential parties' compliance with the Licensing Support Network (LSN) rule to the Site Recommendation action rather than to the DOE's submittal of a license application to the NRC.

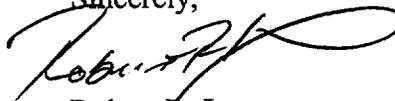
The purpose of the LSN has never been related to the DOE's Site Recommendation. Instead, it was conceived to facilitate, and increase efficiency for all parties in the licensing proceeding. Until the 1998 LSN rulemaking, the early availability of documents was linked, in the previous rule, to the time of license application, and under the current and foreseeable situation with the Yucca Mountain considerations, the compliance certification regarding availability of documents should be again tied to some fixed period of time, eg. six months, prior to license application. In the case of DOE's certification, the LSN rule should prohibit docketing of the license application until after the required period of time following certification has elapsed. In the case of the other known and potential parties, certification should be required at some reasonable time, eg. 60 or 90 days, after DOE's certification and prior to the submittal of the license application.

We understand the value of early availability of documents to all parties, but under the anticipated circumstances, the nearer the required availability is to the time of Site Recommendation, the more likely it is that some seemingly important documents will be obsolete, invalid, or irrelevant to the license application review and hearing when they occur.

Amending the LSN rule as we have suggested here will ease the burden of compliance for all known and potential parties, eliminates the possibility of expending resources on unnecessary review of documents that might have been superseded by the time of license application, and provides the LSN staff additional time to properly design and implement the system using the most up-to-date technology relative to the time of license application review and hearing.

We appreciate the opportunity to comment on this Proposed Rule. We understand and apologize that our comments are being submitted a few days after the close of the 45-day comment period, but urge that you provide them full consideration nonetheless.

Sincerely,



Robert R. Loux  
Executive Director

RRL:cs

cc: Kenny C. Guinn, Governor  
Nevada Congressional Delegation