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FAX TRANSMITTAL SHEET

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TO: Mike Leusser, Rules Review & Directives Branch

CC: Jeff Ciocco, Division of Waste Management

DATE: 8/8/02

SUBJECT: Nye Comments on YMRP

REMARKS:

Attached are the comments of Nye County, Nevada on the Draft Yucca Mountain Review Plan.

The original will be forwarded by mail.

Thanks.

Pages Including Cover 4

Template = ADM-013

F-RIDS = ADM-03
ALL = J. Ciocco (SAC 3)
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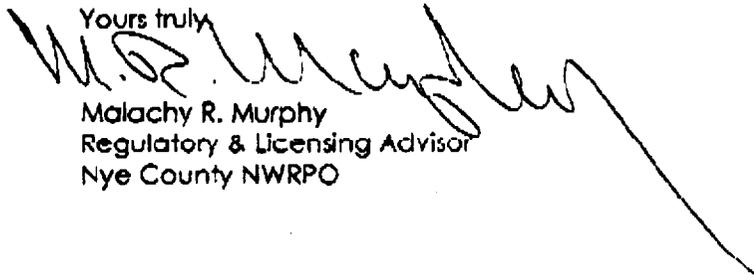
August 7, 2002

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington D.C. 20555-0001

Re: Yucca Mountain Review Plan, NUREG - 1804 (Rev. 2)

Enclosed find some brief comments filed on behalf of Nye County Nevada on the Yucca Mountain Review Plan, Draft Report for Comment.

Yours truly,



Malachy R. Murphy
Regulatory & Licensing Advisor
Nye County NWRPO

**NYE COUNTY, NEVADA COMMENTS ON
YUCCA MOUNTAIN REVIEW PLAN
NUREG-1804 (REV.2)
MARCH 2002**

Nye County finds the Yucca Mountain Review Plan, Draft Report for Comment, NUREG 1804 (Rev. 2) (YMRP) to be, with one exception, a thorough and comprehensive document. It constitutes a very useful roadmap for the NRC staff reviewers and others to use in navigating what will be a highly complex and technical License Application filed by the U.S. Department of Energy. Moreover, it performs an important function, for Nye and for others, by clearly laying out the Commission's guidance on what will be expected of the staff in order to ensure a complete, consistent and high quality review of the License Application.

We find only one area that is somewhat lacking in coverage, or adequate staff guidance. Nowhere in the YMRP is there clear and unequivocal direction to the reviewers to ensure that DOE, in its application and supporting documents, has adequately considered alternative repository designs. The subject is touched on only indirectly in Sections 4.3.1 and 4.3.2. The former requires the staff to review, among other factors "The design alternatives or operational restrictions available, if the results of the program do not demonstrate acceptable resolution of the safety question problem(s)". Section 4.3.2, in Review Method 4 directs the reviewers to "Verify there is an alternative plan to demonstrate acceptable resolution of the safety questions. Design alternatives or operational restrictions should be discussed in the alternative plan. Ensure there is a discussion of any programs that will be conducted during operation to demonstrate the acceptability of contemplated future changes in design or operation."

There is a strong possibility that DOE repository design will be contested in licensing. Nye County and others, such as the Nuclear Waste Technical Review Board, feel that a cooler repository than DOE is currently planning to provide will be necessary to reduce uncertainties in long-term performance. The YMRP should make certain that the NRC reviewers look closely at that issue, seek clarification from DOE if necessary, and clearly require, before acceptance and docketing, that the License Application is complete and of high quality on that issue. This does not mean that the NRC staff should "chose sides" at the LA review stage. It should be clear from the outset, however, that a thorough and comprehensive defense of

the DOE design, specifically with respect to reducing thermal effects and the potential for water to contact the waste packages, should be a minimum test of the adequacy and completeness of the DOE application.