



Board of County Commissioners
Lincoln County, Nevada

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September 4, 2002

Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington D.C. 20555-0001

Re: Comments to Draft Regulatory Guide DG-3022

To Whom It May Concern:

Lincoln County is one of ten units of local government designated by the Secretary of Energy as affected by the proposed Yucca Mountain integrated waste management system. Lincoln County is an interested governmental participant and may be a potential party to any adjudicatory proceeding for the application for a construction authorization and licenses to receive and possess high-level radioactive waste at a geologic repository under 10 CFR Part 60. These comments are submitted on behalf of Lincoln County and the City of Caliente and have been prepared in consultation with their Joint City/County Impact Alleviation Committee. In general, Lincoln County considers the list of topics included in Section C to be comprehensive and appropriate for the potential scope of the Yucca Mountain licensing process. The Commission is encouraged to maintain on the listing, and encourage the submission of information related to, the U.S. Department of Energy Final Environmental Impact Statement.

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Specific Comments

Page 3, 2nd Paragraph- It is not clear how DG-3022 might be used by the Pre-License Application Presiding Officer in evaluating petitions for access to the LSN during the pre-license phase under 10 CFR 2-1007. Additional detail on the use of DG-3022 for that purpose is needed. For example, would a petition be evaluated to determine if the petitioner's issues were reflected in the topical content of the LSN?

Page 4, 1st Paragraph- It is not clear what the qualifying statement regarding the scope of transportation information is seeking to limit. One or more examples of transportation-related information which NRC believes would be inappropriate for submission to the LSN should be given. How does NRC intend to prevent the submission or inclusion of

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“non-relevant” transportation information in the event that said information is not identified as “excluded or privileged” under 10 CFR 2.005? Would Navy waste stored at INEL be considered to be from a reactor (presumably all waste is); from independent spent fuel storage facility; or from a monitored retrievable storage facility? Ambiguity in this section may be problematic to consistent adherence to this guide.

Page 6, Item 2.5.7 Emergency Planning- This topic should be expanded to include Emergency Planning and Implementation. Beyond demonstrating an adequate plan for emergency situations, the applicant will need to demonstrate that the plan can be implemented and that it has the capability to implement said emergency plan.

Page 8, Appendix A, Item 8. Other Documents- The following should be added to the list:

- Any DOE draft and final EIS preparation plans
- Any DOE Record of Decision relating to any DOE FEIS
- Any As-built drawings and specifications for the ESR and any related facilities which may be potentially converted or modified for use in the permanent geologic repository

I trust these comments to be of value. Should you have any questions regarding this submission please contact Dr. Mike L. Baughman (775) 883-2051 of my staff.

Sincerely,



Tim Perkins, Chairman

Cc: Board of Lincoln County Commissioners
Caliente City Council
Members, Joint City/County Impact Alleviation Committee
Dr. Mike L. Baughman, Intertech Services Corporation