

DOCKET NUMBER
PROPOSED RULE **PR 2**
(68FR 66372)

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January 12, 2004 (4:20PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

January 12, 2004

Secretary
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

RE: RIN 3150-AH31
Comments on Proposed Rule 10 CFR Part 2, Licensing Proceedings for the
Receipt of High-Level Radioactive Waste at a Geologic Repository; Licensing
Support Network, Submissions to Electronic Docket

Eureka County, Nevada, is an "affected unit of local government" under Section 116 of the Nuclear Waste Policy Act, as amended. We have been participating in the Licensing Support Network preparation process for several years, including the Licensing Support Network Advisory Review Panel.

We have the following comments on the proposed rule.

Regarding timing and deadline for submission of material to the LSN: The Department of Energy is required to submit its documents to the LSN six months before license application. Under the current rule, NRC then has 30 days and all other participants 90 days from DOE's submission date to enter their own documents.

DOE's submission triggers timing for all other participants whose deadlines depend on DOE. It is essential that the NRC rule reflect that the submission schedule for those participants be based upon NRC certification of DOE materials being available to all participants and the public on the LSN, rather than when DOE physically delivers those materials to the NRC. We understand that verifying and spidering all DOE material is a massive job for LSN staff. We also understand that one purpose of later deadlines for other participants is the cross-checking of DOE's LSN collection to avoid submission of duplicate material. Other participants, including Eureka County, will need the full time allotted to accomplish this. If, for any portion of the 90 day interval, DOE's collection is unavailable, then the rule's purpose will not have been served.

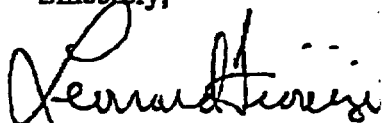
Template = SECY-067

SECY-02

The new rule must clearly state that the time periods for other participants do not begin until all DOE materials are electronically available, including proper formatting, indexing and accessibility.

Thank you for considering the comments of Eureka County, Nevada

Sincerely,



Leonard J. Fiorenzi
Nuclear Waste Director

cc: Laurel Marshall, Abby Johnson