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January 13, 2004 (7:38AM)

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attn: Rulemakings and Adjudications staff

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**RE: Comments of Lincoln County and the City of Caliente (Nevada) to NRC Proposed Rule Concerning Licensing Proceeding for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Submissions to the Electronic Docket**

To Whom It May Concern:

These comments are provided on behalf of Lincoln County and the City of Caliente (Nevada). Lincoln County has been designated by the Secretary of Energy (pursuant to Section 116 of the Nuclear Waste Policy Act, as amended) as one of ten counties potentially "affected" by the proposed geologic repository at Yucca Mountain. The Department of Energy (DOE) has identified within the Final Environmental Impact Statement (EIS) for Yucca Mountain both rail and truck routes for transport of spent nuclear fuel and high-level radioactive waste (SNF/HLW) through Lincoln County. Lincoln County is also immediately downwind from the Yucca Mountain site. DOE has identified in the Final EIS for Yucca Mountain the City of Caliente as a candidate location for a rail to truck intermodal facility to serve transportation of SNF/HLW bound for the repository site. As such, both Lincoln County and the City of Caliente may elect to be parties to, and at the least will likely seek to be recognized as prospective "interested governmental participants" in, the Nuclear Regulatory Commission licensing proceeding for the receipt of high-level radioactive waste at the proposed Yucca Mountain geologic repository.

Given the likely participation of Lincoln County and/or the City of Caliente in the licensing proceeding for the receipt of high-level radioactive waste at the proposed Yucca Mountain geologic repository, both entities are interested in the NRC requirements for making certain information to be used during licensing available in electronic form. The County and City have participated in various meetings of the NRC's Licensing Support Network Advisory Panel.

Lincoln County and the City of Caliente have reviewed the subject proposed rule and believe that adoption of the suggested revisions to 10 CFR Part 2 described therein will enhance the ability of parties and interested governmental participants to comply with electronic filing requirements. The County and City further believe that the proposed changes will enhance the accessibility of information contained within the Licensing Support Network.

Template = SECY-067

SECY-02

Lincoln County and the City of Caliente remain concerned that the information considered by NRC during licensing be of the broadest base and encourage clarification of the extent to which Yucca Mountain repository system transportation related information will be considered during licensing and therefore required for inclusion within the LSN. The County and City believe that the Yucca Mountain licensing proceeding should encompass all aspects of the Yucca Mountain repository transportation system and therefore all related transportation information should be required for inclusion within the LSN.

NRC is encouraged to adopt the revisions to 10 CFR Part 2 as proposed.

Sincerely,

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(for Lincoln County and City of Caliente (Nevada))