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Johnnie W. (Jack) Norcross, Commissioner  
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RDB - received  
9/17/02  
300 p.m.  
Courthouse Annex  
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## White Pine County Board of County Commissioners

August 28, 2002

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

7/2/02  
67FR44478  
(10)

Re: Comments to Draft Regulatory Guide DG-3022

To Whom It May Concern:

White Pine 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. White Pine 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. White Pine County views the list of subjects contained in Section C to be comprehensive and appropriate for the potential scope of the Yucca Mountain licensing process. The Nuclear Regulatory Commission (NRC) should to encourage and maintain the submission of information related to the U.S. Department of Energy's (DOE) Yucca Mountain Final Environmental Impact Statement.

### Specific Comments

#### Page 3, 2<sup>nd</sup> 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, 1<sup>st</sup> 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 that NRC believes would be inappropriate for submission to the LSN should be given. How does NRC intend to prevent the submission or inclusion of "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 INEEL be considered to

E-REDS=ADU-03  
All = J.C10000 (JAC3)

Template=ADU-013

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 the applicant 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 ESF 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 Josie Larson of my staff at (775) 289-2033.

Sincerely,



David E. Provost  
Chairman

Copy: White Pine County Clerk  
White Pine County Nuclear Waste Project Office