

# Department of Comprehensive Planning



Mission Statement: "To serve and protect the community by guiding development, enhancing the living environment, and promoting innovative ways to conserve natural resources."

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DOCKET NUMBER  
PROPOSED RULE PR 2  
(62FR60789)

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Attention: Rulemakings and Adjudications Staff

Subject: COMMENTS BY THE CLARK COUNTY DEPARTMENT OF COMPREHENSIVE PLANNING, NUCLEAR WASTE DIVISION TO REVISED 10 CFR PART 2 SUBPART J (THE "LICENSING SUPPORT SYSTEM") RULE

To whom it may concern:

Clark County appreciates the opportunity to comment on the proposed revisions to 10 CFR Part 2 Subpart J (The "Licensing Support System") Rule. Clark County also welcomed the opportunity to discuss the proposed revisions at the February 24, 1998 meeting of the Licensing Support System Advisory Review Panel (LSSARP) in Las Vegas. The meeting provided for some excellent interactions on issues associated with the proposed changes.

The following are our comments to the proposed Rule:

**The Proposed "Licensing Support System"**

We support the NRC proposal to utilize the Internet to facilitate the review of information that will be used to support the licensing application. It is important to take advantage of the advances in technology that have transpired since the original Rule was promulgated in the late 1980's. The increased sophistication of Internet and the reduced cost of high-speed computers can facilitate access to relevant documents and information. While we are supportive of this change in the Rule, several issues related to the use of the Internet still need to be addressed.

Provision must be made, for example, to enable the public and other stakeholders without computers to have access to the information. The use of Department of Energy (DOE) and NRC reading rooms, along with Internet availability at local libraries, will assist interested residents in the Las Vegas area. In the smaller towns and rural locations of the affected units of local government (AULG), however, other

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provisions may need to be made to enable the public involvement. The NRC should survey the AULG and other public groups to determine if there will be problems and to discuss how potential information retrieval issues can be resolved.

Also, thought needs to be given to ensuring that the information available on the Internet is organized and indexed to facilitate access. Having a Home Page, perhaps using the existing LSS Homepage, with a descriptive *tutorial* explaining how data and information could be retrieved would be one way to assist reviewers in initiating search queries.

**The Licensing Support System Advisory Review Panel (LSSARP)**

Clark County supports a LSSARP organized under the provisions of the Federal Advisory Committee Act (Public Law 92-463), and applicable regulations (DOE Order 1130.6, with Change 1). Retaining formal designation will assist in providing a more *stable* committee to advise DOE and NRC on licensing issues. Continuity is needed and desirable due to the complexity of the issues associated with licensing.

It is also important for the parties potentially impacted by the Yucca Mountain Program to have an advisory committee with the authority to provide needed recommendations to the NRC.

Informal, *ad hoc* committees without a strong entitlement or basis for existence have a tendency over time to become ineffective. Turnover in participants is often high and there may be less commitment to the objectives of the program.

A second issue has to do with representation on the LSSARP. When the LSSARP was first organized there were two seats for affected governments. Nye County and a *Coalition of affected governments* both had seats. At the time, however, Clark, Lincoln and Nye counties were the only the three *affected units of local government* (AULG). Since that time seven additional counties, for a total of ten counties, have been designated as *affected* by DOE.

Since each AULG has an official mission defined in The Nuclear Waste Act and amendments, it is important that each be allowed a seat on an LSSARP. Each county has a different perspective on Yucca Mountain issues and each should be afforded an

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opportunity to bring their perspective to the table. A *coalition* of AULG would not be able to provide one consensus viewpoint.

**Topical Guidelines**

Reference is made in the Proposed Rules to Topical Guidelines in Regulatory Guide 3.69. Having reviewed the Topical Guidelines subsequent to the February 24, 1998 meeting I believe that those concerns expressed by Clark County and others at earlier meetings have been resolved.

For the record, we have expressed concern that the version of the Topical Guidelines had excluded a category of information important to Clark County and others during the pre-licensing phase of the program. Socioeconomics, or in the case of the Yucca Mountain Program the effects of Yucca Mountain program activities on the communities potentially impacted, had been eliminated as a topic of concern. Socioeconomics had been included as a result of the negotiations that transpired during the development of the original Rule. We're pleased that the current version has once again has included Socioeconomics.

We have also strongly supported the NRC inclusion of Transportation and Environment as topical issues as well as the reference to the Environmental Impact Statement in the Guidelines.

**Licensing Support Systems Administrator**

The need for organization and management of the large amounts of information considered during the licensing application review phase provides a strong rationale for retaining the position of Systems Administrator. The revised Rule, however, proposes to eliminate the NRC Systems Administrator (LSSA) position. What remains is a Pre-Licensing Application Presiding Officer. While the Presiding Officer can, undoubtedly, perform some of the functions intended for a LSSA (e.g., acting as an arbitrator for debates about what known information can be incorporated into the system) other duties envisioned for the LSSA would not be served.

An important role for the LSSA, for example, was to contribute to the design and management of the LSS. The LSSA would also act as a "traffic cop" to ensure that the interests of all parties in licensing would be accommodated (including, significantly, the public). The LSSA, in this case, could serve to balance the priorities

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for data input into the system.

Another function of a LSSA would be to assist in organizing the universe of documents important for licensing to facilitate review by all parties. The *small entities*, as the AULG and public are termed in the text of the Rule, will not have the time nor the resources to determine whether all information important to their specific licensing interests has been captured. Having an LSSA would be particularly important to facilitate the review of the many small entities that may be involved in reviewing particular aspects of the license application.

An LSSA will obviously not be able to resolve all the licensing review problems. It can, however, serve to audit the system to ensure that the review process is operating as intended and meets the needs of all parties. It can add credibility to the review process.

The statement by Mr. Cotter at the February 24, 1998 LSSARP meeting in Las Vegas provides a strong statement about the need for an Administrator. *"Now, you're taking a known system and you're replacing it with a system which is being created as we speak and with which none of us have any experience.... You need to have an LSS administrator who has a defined responsibility... whose purpose is to take care of this need full time for a period of four years."*

As a final point the LSSARP can play a strong role in defining the responsibilities of a LSSA.

### **Public Participation**

There was some discussion at the February 24, 198 meeting about the scope of the data available for the public review, particularly during the pre-licensing phase. The public and other stakeholders should have the opportunity to review all available information on licensing. It is important that all information available to groups such as the LSSARP should be made available to the public at the same time.

### **Environmental Impact Statement (EIS)**

A key document for all affected governments will be the EIS. The EIS, which is to be released in the summer of 1999, must be made available in electronic format as early as. Since a 90 day review period, standard for stakeholder review of an EIS

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does not appear to be much time for the review of what will probably be an incredibly large document, it is important that the EIS be available for review in electronic format as individual sections are completed. Because of the importance of the document, this will facilitate review.

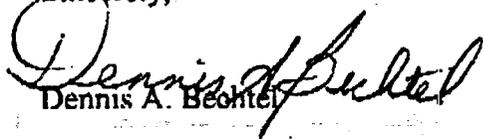
**Summary**

There are obviously many advantages to all parties, thanks to advances in technology, to the proposed revisions. The complexity of the program as well as the importance of the decisions being made, still necessitate, however, a system that must be designed and managed. Creating a totally *laissez faire* system, however, leaves much to chance. Restoring a number of the provisions of the original rule, however, the LSSA position and the LSSARP will assist in enabling all stakeholders to be actively involved in the licensing review.

Thank you again for the opportunity to comment. Clark County will continue to be an active participant on the LSSARP and in licensing review.

If there are questions please contact me at (702) 455-5175.

Sincerely,

  
Dennis A. Bechtel

cc: John Hoyle, Secretary  
Richard B. Holmes  
Board of County Commissioners  
Affected Units of Local Government  
State of Nevada

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