

December 24, 2014

Robert J. Halstead
Executive Director
Agency for Nuclear Projects
State of Nevada
Office of the Governor
1761 E. College Parkway, Suite 118
Carson City, NV 89706-7954

Dear Mr. Halstead:

This letter responds to your letter of December 4, 2014, in which you request that the Commission solicit the views of interested parties concerning the expansion of the scope of the supplement of the environmental impact statement (EIS) for the proposed Yucca Mountain geologic repository. Your request references a prior request from Nevada, dated September 25, 2014, for a “reevaluation of the no-action alternative” to the repository.

The scope of the EIS has been addressed by the applicant (the Department of Energy) and NRC staff with full involvement of the public, including public scoping meetings and the publication of a draft EIS for notice and comment. The public has been afforded the opportunity to challenge the scope of the staff’s analysis by raising arguments (known as contentions) before the agency’s Atomic Safety and Licensing Board. At this time the adjudication is suspended.

The staff previously reported to the Commission that it had determined that one aspect of its environmental review – the postclosure impacts of a repository on groundwater – required supplemental analysis. Following the *Aiken County* decision directing the agency to resume the licensing proceeding, the Commission has directed the completion, if possible, of the EIS supplement with remaining amounts in the Nuclear Waste Fund.

The issue you describe is not part of the environmental matter that the staff is currently considering. Participants in this proceeding may pursue questions about already-addressed environmental matters before the Atomic Safety and Licensing Board, either in the form of new or amended contentions, should the adjudication resume.

The agency's decision to decline to take up this matter is without prejudice to your raising it before the Board and does not preclude further supplementation as may be required. See *10 CFR § 51.67*. To be clear, the Commission takes no position on the merits or timing of the matters you raise.

Sincerely,

/RA/

Allison M. Macfarlane

cc: Yucca Mountain service list