

March 9, 2015

Kevin J. Phillips, Chair
Board of County Commissioners
Lincoln County, Nevada
P.O. Box 90
Pioche, NV 89043

Dear Mr. Phillips:

This letter responds to your letter of January 20, 2015, in which you request that the U.S. Nuclear Regulatory Commission (NRC) undertake public scoping of the issues to be addressed in the supplement of the environmental impact statement (EIS) for the proposed Yucca Mountain geologic repository. Particularly, you state that Lincoln County—a participant in the adjudicatory proceeding associated with the repository—believes that, were the NRC to expand the scope of the supplemental EIS to address environmental issues (i.e., contentions) raised in the adjudication, the duration and cost of the proceeding might be reduced.

The scope of the EIS has been determined by the applicant (the U.S. Department of Energy), and adopted by the NRC staff, with full public involvement, including public scoping meetings and the publication of a draft EIS for notice and comment. As you observe in your letter, the public has been afforded the opportunity to challenge the scope of the staff's analysis by raising contentions before the agency's Atomic Safety and Licensing Board. As you know, at this time the adjudication is suspended.

The NRC staff previously reported to the Commission that it had determined that one aspect of its environmental review—the post-closure impacts of a repository on groundwater—required supplemental analysis. However, the scope of supplementation is limited to this discrete issue. Following the U.S. Court of Appeals for the District of Columbia Circuit's decision in *Aiken County*, 725 F.3d 255 (D.C. Cir. 2013), directing the agency to resume the licensing proceeding, the Commission has directed the NRC staff to develop and issue the EIS supplement with the funds remaining in the Nuclear Waste Fund.

The scoping activity that you describe is not part of the environmental matter that the staff is currently considering. Participants in the adjudication may continue to pursue their contentions about already-addressed environmental matters before the Atomic Safety and Licensing Board, or raise new issues in the form of new or amended contentions, should the adjudication resume.

Sincerely,

/RA/

Stephen G. Burns

cc: Yucca Mountain service list