



Office of the
CHURCHILL COUNTY COMMISSIONERS

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November 5, 2015

Ms. Cindy Bladey
Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop: OWFN-12-H08
Washington, DC 20555-0001.

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RULES AND DIRECTIVES
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Re: Comments to Supplement to the U.S. Department of Energy's Environmental Impact Statement (SEIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada.

Dear Ms. Bladey:

Attached are Churchill County's comments to the Supplement to the U.S. Department of Energy's Environmental Impact Statement (SEIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. Churchill County is an affected unit of local government with oversight responsibilities of the Yucca Mountain Project and a party to the licensing proceedings.

The conclusions reached in the Draft SEIS appear consistent with the extensive body of scientific research and studies for the Yucca Mountain site including the NRC's own internal staff review which is contained within the five volumes of the Safety Evaluation Reports.

Churchill County appreciates the Nuclear Regulatory Commission's efforts to address a critical technical issue and to ensure the Yucca Mountain project can be built and operated safely. There is nothing in the Supplement Draft EIS that would suggest the Yucca Mountain licensing review should not continue.

Sincerely,


Carl Erquiaga, Vice-Chairman

SUNSI Review Complete
Template = ADM - 013
E-RIDS= ADM-03
Add= *C. Jensen* (elst)

Churchill County, Nevada

Comments to the Draft Supplement to the U.S. Department of Energy's Environmental Impact Statement (SEIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada.

Pg. 1-2 Ln 6 Please summarize the reasons why the ASLB denied DOE's request to withdraw the Yucca Mountain license application. The request to withdraw the license was illegal. Both the ASLB and the U.S. Circuit Court of Appeals reached the same conclusion.

Pg. 1-2 Ln 19. Please clarify why the adjudicatory proceedings remain suspended. The suspension is only due to the lack of federal funding otherwise NRC would have to move forward as mandated by the Nuclear Waste Policy Act and the U.S. Circuit Court.

Pg. 1-4 Ln 3-10 Variations in the amount of groundwater pumping and use is due to human activity. The speculation comes in water use and not the amount withdrawn. It is difficult to envision a scenario where groundwater pumping decreases significantly in the future. We agree that NRC shouldn't speculate about final use, but only the volume used.

Pg. 1-5 Ln. 4 The term, "Small" is somewhat misleading. A better phrase is, "Small and Insignificant". It should also be noted that "Small" impacts typically do not require any mitigation. For each impact described as SMALL, NRC should describe it as not detectable or very minor as to not destabilize or alter the resource. NRC needs to explain that no mitigation is required for "SMALL" impacts.

Pg 2-4 General Comment- Regional Demography and changes in regional demography may be irrelevant unless a significant level of contaminants are present in groundwater and subsurface discharge. If the impacts are truly "Small" for the current population, it will be "Small" for a much larger population. The amount of water used for human consumption on a per capita basis probably will not increase even if all the current water use at Amargosa Farms is converted to M&I use instead of agricultural use.

Pg. 2-4 Ln 33-35. Please note that all communities in the study area rely upon groundwater and to a lesser extent surface water. There is nothing unique about the Timbisha Shoshone tribe in this respect.

Pg 2-6 Ln 19 Please quantify, "some small portion of groundwater", in terms of acre-feet annually. A likely range of flow in terms of acre-feet would be useful.

Pg 2-16 General Comment Climate- Most government agencies assume a hotter dryer climate for the southwest in the future. Several recent EISs developed by BLM and USFWS assume that future climates in the Great Basin will be hotter and dryer due to man-made climate change. Is NRC consistent with the current climate views of other federal agencies?

Pg. 2-30 Ln 30. It is very likely that future groundwater pumping will increase. Will such increases be more or less conservative for Analysis Case #1? Please explain. It is also unlikely that agricultural water use will continue. It is more likely that M&I water use will replace agricultural use, but at the same volume.

Pg. 2-13 Ln 9-21. It is unrealistic to rely upon future restrictions on groundwater pumping for preservation of endangered fish to dictate groundwater use. Also a wetter climate will result in greater groundwater use because the perennial yield should increase.

Pg. 3-6 Ln 7. Is milk considered in the dose pathway?

Pg 3-10 Ln. 16-20 The impacts to the aquifer environment are probably insignificant and may be undetectable.

Pg. 3-14 LN 48 Impacts to the public are small and insignificant.

Pg. 3-20 LN 12-14 The impact is described as small, please compare it to background radiation. It appears not only small, but insignificant.

Pg 3-22 Ln 25-27 the term SMALL is inaccurate. Insignificant is a better description.

Pg 3-25 Ln 31 -36 Please indicate the level of peak dose. The text indicates it is lower than the regulatory standard. It appears in Table 3-11, the peak dose is less than 1mrem/yr.

Pg. 4-2 General Comment- NRC needs to include an expanded repository (150,000 MTUs) in the cumulative analysis. It is the agency's responsible to look at reasonably foreseeable events. An expanded repository is reasonably foreseeable because:

1. It is needed, the current inventory of high-level waste exceeds the 70,000 MTU limit.
2. Yucca Mountain is capable of accommodating an expanded inventory.
3. DOE has already considered and expanded Yucca Mountain repository a number of earlier documents (Report to the President and Congress on the need for a Second Repository 2008, the Fee Adequacy Report, etc.)

Most importantly, DOE considered inventories of waste beyond the 70,000 MTUs as a cumulative action in its Final Yucca Mountain EIS, 2002. If NRC is supplementing this EIS, there is an obligation to carry forward the analysis including the cumulative analysis which identifies the expanded inventories especially if NRC adopted the DOE EIS in its entirety and did not exclude portions of the 2002 document. DOE included the expanded repository in the cumulative impact analysis for the Yucca Mountain FEIS even though the NWPA prohibition on larger storage volumes existed at the time.

The standard for inclusion as a cumulative impact is reasonably foreseeable. Although an expanded repository is not currently part of the license application, it still remains reasonably foreseeable. Both conditions mentioned by NRC on page 4-5 line 12-16 can be changed, they do not prevent an expanded repository. These conditions are institutional constraints only, without them a larger repository is possible and feasible at Yucca Mountain. There is nothing arbitrary or speculative about an expanded repository at Yucca Mountain.

If NRC adopted the 2002 and 2008 EISs in their entirety without any modification or limits on the cumulative analysis, NRC cannot simply establish a new boundary for the cumulative analysis based

upon the extent of their current regulatory authority to review the license application. NRC's regulatory authority lies with the proposed action and should not influence or bound the cumulative analysis.

The cumulative analysis should, at a minimum, include a qualitative discussion of possible impacts from an expanded repository.