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Comment On: NRC-2015-0051-0004

Department of Energy; Yucca Mountain, Nye County, Nevada; Correction and Extension of Comment Period

Document: NRC-2015-0051-DRAFT-0044

Comment on FR Doc # 2015-23510

Submitter Information

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Email: connie@lcnop.com**Submitter's Representative:** Kevin J Phillips, Chair**Organization:** Lincoln Co NV Commission**Government Agency Type:** Local**Government Agency:** Lincoln County Commission

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General Comment

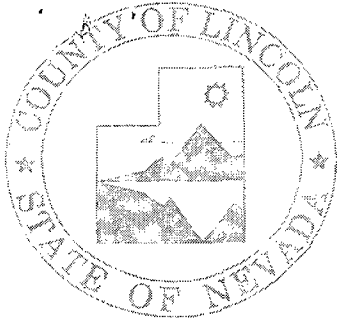
Dear Ms Bladey: please find included the letter from Lincoln County Nevada Board of Commissioners re Docket ID NRC-2015-0051, approved by this Commission today, Monday, November 16, 2015. Please feel free to contact us for further information or clarification.

Submitted by Connie Simkins, secretary to Lincoln County Commission, Chairman Kevin J. Phillips. 775-962-8085 office, 775-962-1333 Connie's cell available 24/7/365.

Attachments

LC to NRC SEIS 11-17-15

SUNSI Review Complete
 Template = ADM - 013
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 Add= C. Pineda (CSL 1)



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November 16, 2015

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

Sent Via Email Through: <http://www.regulations.gov>; RE: Docket ID NRC-2015-0051

Dear Ms. Bladey:

On behalf of the Board of Lincoln County Commissioners, I am providing the following comments to the Draft Supplemental Environmental Impact Statement (SEIS) for the Proposed Yucca Mountain Geologic Repository (NUREG 2184). NRC is encouraged to address the following comments as it prepares the Final SEIS.

Page 1-2, Lines 27-29 of the SEIS states: *"Since the Adequacy Determination Review (ADR) was prepared (in 2008), the NRC staff has not identified new information that would change the NRC staff's position described in detail in the ADR."* Page 3-13 of the NRC's September 5, 2008 Adoption Determination Report (ADR) includes the following section and text: **"3.2.1.4.5 Transportation Analysis.** *The transportation impact calculations included in the Repository Supplemental EIS focus on the transportation activities included in the proposed action (i.e., the mostly rail preferred alternative). These transportation impact calculations are based on updated information, such as year 2000 census data, new canister design, updated inventories, and updated shipment estimates. DOE did not update the analyses of alternative transportation scenarios analyzed in the 2002 EIS that are no longer included in the proposed action (e.g., truck-only transportation and intermodal transfer from rail to truck in Nevada). The NRC staff concludes that these prior analyses do not need to be updated since they are not part of the proposed action or alternatives evaluated. Accordingly, the staff has determined that DOE has considered the transportation impacts of the proposed action in its EISs in a manner that is consistent with NRC guidance and applicable regulations."*

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In its previous EISs, DOE has identified rail as its preferred mode of transporting spent nuclear fuel and high-level radioactive waste by rail to the Yucca Mountain repository site. These same EISs have identified the Caliente Rail Corridor and related alignment, identified by DOE in its previous EISs as the preferred DOE route for transporting spent nuclear fuel and high-level radioactive waste by rail to the Yucca Mountain repository site. In its September 5, 2008 Adequacy Determination Report, NRC staff considered the adequacy of the transportation analysis in DOE's EISs.

On July 10, 2015, President Obama established by Executive Order the Basin and Range National Monument. The Monument encompasses portions of the Caliente Rail Corridor and related alignment. Establishment of the Basin and Range National Monument may effectively render the Caliente Rail Alignment infeasible. Loss of availability of the Caliente Rail Alignment may render rail transportation of spent nuclear fuel and high-level radioactive waste by rail to the Yucca Mountain repository site infeasible.

Accordingly, establishment of the Basin and Range National Monument may have the unintended consequence of causing shipments of spent nuclear fuel and high-level radioactive waste to the Yucca Mountain repository site to necessarily 1) follow a rail route through the Las Vegas Valley and/or a rail alignment along the western portion of Nevada and/or 2) require the use of legal-weight, over-weight or heavy-haul trucks either through the Las Vegas Valley or along an alternative route or routes which avoid the Las Vegas Valley. Each of these alternative transportation scenarios may result in transportation related risks which differ significantly from those evaluated in previous DOE EISs.

Establishment of the Basin and Range National Monument is a new development not previously considered by DOE in its EISs or by NRC in its evaluation of DOE's EISs and related Adequacy Determination Report. The continued viability of the Caliente Rail Alignment given establishment of the Basin and Range National Monument must be addressed in further supplemental NEPA analysis. The implications for transportation related radiological exposure risk occasioned by establishment of the Basin and Range National Monument have not been addressed by DOE or NRC in any NEPA analysis.

Accordingly, Lincoln County believes that NRC must reevaluate the Adequacy of DOE's EISs given establishment of the Basin and Range National Monument and the related loss of the Caliente Rail Corridor and alignment as a feasible rail transportation alternative to the Yucca Mountain site. Lincoln County further believes that further supplementation of DOE's EISs is required to 1) determine whether the Caliente Rail Alignment remains a viable alternative and 2) to further evaluate other transportation options available to DOE.

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Page 1-5, Lines Page 1-2, Lines 14-17: *"Pursuant to 10 CFR 51.26(d), the NRC staff did not conduct scoping for this supplement, the scope of which was established by the ADR. The NRC staff did not identify any cooperating agencies for this supplement, nor did the NRC staff receive any formal requests for cooperating agency status."*

This section of the Draft SEIS fails to acknowledge comments to the Scope of the Draft SEIS which were provided in a January 20, 2015 letter from the Board of Lincoln County Commissioners (Kevin Phillips, Chairman) to NRC. The Final SEIS must disclose comments received by NRC to the Scope of SEIS and the influence, if any, which said comments had upon the scope of the draft SEIS.

Page 2-7, Figure 2-3, Figure 2-3 suggests that groundwater flow may occur between the Central Death Valley Sub region and the Sub region to the east of the Death Valley Sub region. The direction of flow between Indian Springs Valley (2C), under the Sheep Creek Range and into Coyote Springs Valley to the east is shown to be uncertain on Figure 2-3 leaving open the possibility that groundwater flow originating in the Yucca Mountain area could reach the Coyote Springs Valley and potentially impact municipal wells in that area owned by the Southern Nevada Water Authority, the Lincoln County Water District and/or the Coyote Springs General Improvement District; in addition to water certificated to Alamo Irrigation Company, the Town of Alamo, US Fish and Wildlife Service at Pahrnagat Wildlife Refuge, private domestic wells, agriculture wells and certificated springs, and range livestock operations. The health and wellbeing of Lincoln County citizens are at stake here. The potential for these impacts must be evaluated and addressed in the Final SEIS.

Page 4-1, Lines 3-10: *"In this chapter, the NRC staff evaluates the cumulative impacts of the direct and indirect impacts described in Chapter 3 when aggregated with the impacts of other actions that could affect the same resources. The NRC staff also evaluates how its findings in Chapter 3 and cumulative impact findings in this chapter affect the conclusions provided by U.S. Department of Energy (DOE) in its assessment of cumulative impacts on groundwater in Chapter 8 of its environmental impact statement (EIS) (DOE, 2002) and Chapter 8 of its supplemental EIS (SEIS) (DOE, 2008a)."*

As noted above, establishment of the Basin and Range National Monument may have the unintended consequence of causing shipments of spent nuclear fuel and high-level radioactive waste to the Yucca Mountain repository site to necessarily 1) follow a rail route through the Las Vegas Valley and/or a rail alignment along the western portion of Nevada and/or 2) require the use of legal-weight, over-weight or heavy-haul trucks either through the Las Vegas Valley or along an alternative route or routes which avoid the Las Vegas Valley. Each of these alternative transportation scenarios may result in transportation related risks which differ significantly from those evaluated in previous DOE EISs.

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The potentially increased transportation related radiological exposure risks associated with the potential loss of the Caliente Rail Alignment for use by the DOE must be considered in the context of their contribution to cumulative risks in the Final SEIS.

Page 4-3, Lines 23-24: *"This section summarizes the other past, present, and future actions identified by DOE in the 2002 and 2008 EISs (Section 4.4.1) and by the NRC staff for this supplement (Section 4.4.2)*

The Final SEIS must address DOE's proposed transportation of spent nuclear fuel and other high-level radioactive waste as a foreseeable future action in its consideration and estimation of cumulative impacts disclosed in Chapter 4.

Finally, as noted above, in its January 20, 2015 letter to NRC Chairman Stephen G. Burns, Lincoln County requested that NRC undertake public scoping of the issues to be addressed in the (SEIS) for the Proposed Yucca Mountain Geologic Repository. Said letter also requested "That in the event that NRC is unwilling to undertake public scoping to identify issues to be addressed in the (SEIS) for the Proposed Yucca Mountain Geologic Repository, Lincoln County requests that NRC consider including those topics addressed by various admitted NEPA contentions for consideration during preparation of the subject SEIS." Subsequent to submission of Lincoln County's January 20, 2015 letter to NRC, the Commission staff elected not to undertake public scoping of the SEIS. As demonstrated in the Draft SEIS, NRC staff have also elected to ignore Lincoln County's additional request in its January 20, 2015 letter and did not including those topics addressed by various admitted NEPA contentions for consideration during preparation of the subject SEIS. To facilitate timely adjudication of the Yucca Mountain license application upon resumption of the NRC licensing proceeding for the project, Lincoln County requests that the Final SEIS address those topics raised by various admitted NEPA contentions.

Your consideration of these comments is greatly appreciated. Should you have questions regarding these comments, please do not hesitate to contact Mrs. Connie Simkins of the Lincoln County Repository Oversight Office at (775) 962-8085 or connie@lcnop.com.

Sincerely,



Kevin Phillips
Chairman

cc: Nevada Nuclear Projects Office
Affected Units Local Government
Lincoln County Water District