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Comment On: NRC-2015-0051-0004

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

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Organization: Nuclear Waste Strategy Coalition

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RULES OF PROCEDURE

General Comment

See attached file(s)

Attachments

NWSC Comments to NRC re Draft EIS Supplem for YM -- 111815

SUNSI Review Complete

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Add= *C. Pineda (cks)*

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November 18, 2015

Ms. Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB)
Division of Administrative Services
Office of Administration
Mail Stop: OWFN-12-H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Docket ID NRC-2015-0051

Dear Ms. Bladey:

The Nuclear Waste Strategy Coalition (NWSC) is an ad hoc organization representing the collective interests of member state utility regulators, state consumer advocates, state radiation control officials, state energy officials, tribal governments, local governments, electric utilities with operating and shutdown nuclear reactors, and other public and private sector experts on nuclear waste policy matters. Our primary focus is to protect electric consumer payments into the Nuclear Waste Fund and to support the removal and ultimate disposal of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) currently stranded at numerous sites across the country. Therefore, the NWSC follows closely the issues relating to the NRC review of the license application submitted in 2008 by the U.S. Department of Energy (DOE) for a geologic repository at Yucca Mountain. We appreciate this opportunity (and others) for stakeholder comment on the NRC staff's Draft NUREG-2184, Supplement to the DOE's Environmental Impact Statement for a Geologic Repository for the Disposal of SNF and HLW at Yucca Mountain, Nye County, Nevada, released on August 13, 2015 (Draft EIS Supplement).

First, the NWSC thanks the NRC for its leadership in taking on the responsibility of developing the Draft EIS Supplement. Although DOE is responsible per the Nuclear Waste Policy Act (NWPA) for analyzing and proposing mitigation measures for environmental impacts, DOE informed the NRC in February 2014 that it would not complete the EIS Supplement that the NRC staff deemed necessary for the review of DOE's repository application under the National Environmental Policy Act (NEPA). Instead, in October 2014, DOE provided an update to a 2009 technical report to inform the EIS supplement. We are grateful for the Commission's decision to direct the NRC staff to develop and issue the EIS supplement, thus fulfilling a necessary step in the NWPA-required Yucca Mountain licensing process.

Earlier this year, the NRC completed another critical milestone in the licensing process with issuance of the Yucca Mountain Safety Evaluation Report (SER), delivering on Commissioner promises to continue review of the license application with carryover funds previously appropriated from the Nuclear Waste Fund. The NRC

staff conducted an independent and diligent review and confirmed that the Yucca Mountain geologic repository can dispose of SNF and HLW for over 1 million years while protecting public health, safety, and the environment. The NWSC was happy to see the money collected from electric consumers once again being used per Congressional direction in the NWPA – to scientifically evaluate the proposed repository site.

Providing further evidence that SNF and HLW can be disposed safely in a geologic repository at Yucca Mountain, the NRC staff's recently-issued Draft EIS Supplement finds that all of the impacts on the resources evaluated within would be small, including potential impacts on groundwater and from groundwater discharges. As explained in the Draft EIS Supplement, the findings are based on conservative assumptions for future conditions and processes. We note that the peak estimated annual individual radiological dose over the one-million-year period at any of the evaluated locations is 1.3 mrem, a small fraction of the background radiation dose of 300 mrem/year and much less than the NRC annual dose standards for a Yucca Mountain repository in 10 CFR Part 63. The NWSC is confident that the NRC staff possesses the requisite expertise, has performed the requisite supporting analysis, and has established a fair process to allow affected stakeholders an opportunity to raise technical questions that will be considered *before* the EIS Supplement is finalized.

Acknowledging that key steps remain before the licensing process is complete, the reality that extensive review by the independent safety regulator has produced no show-stoppers thus far should bolster arguments for funding completion of other statutorily-required steps. The findings from the SER and the Draft EIS Supplement not only support DOE's 2008 application to construct the proposed Yucca Mountain repository, but also further justify expeditious agency action to proceed with steps toward a long overdue decision on whether the site will ultimately pass muster, a decision that electric consumers have financed and that they are owed. As the NWSC and others have long maintained, regardless of the ultimate decision, the extensive license application review will provide valuable information and will afford the opportunity for the United States to move forward and timelier meet its longstanding obligation to dispose of SNF and HLW currently and indefinitely stranded at numerous sites across the country.

Therefore, the NWSC urges the NRC to request the necessary funds from Congress to facilitate timely completion of the Yucca Mountain license review. Recent comments to Congress by some NRC Commissioners reflecting decisions against including license application review funding in an NRC budget request are troubling, and we firmly believe that agency budget requests should be consistent with NWPA-required activities. Strong, bipartisan support remains for carrying out the provisions of the NWPA as passed by Congress over three decades ago, and your input about NRC funding needs would be valued and helpful in making more timely progress. Such actions will further demonstrate NRC leadership, independence, and commitment to the rule of law.

Thank you for your consideration of our comments and for your considerable outreach efforts. Should you need additional information, please contact Katrina McMurrian, our Executive Director, at katrina@theNWSC.org or 615.905.1375.

Sincerely,



Sarah D. Hofmann
Chair, Nuclear Waste Strategy Coalition
Board Member, Vermont Public Service Board