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September 25, 2002

Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

RE: Draft Regulatory Guide - DG-3022

Rules and Directives Branch Chief:

Eureka County, Nevada, appreciates the opportunity to comment on the above referenced document.

We are an “affected unit of local government” under Section 116 of the Nuclear Waste Policy Act as amended.

We have the following comments.

Page 3, “Purpose of the regulatory guide” paragraph 2

This language is unclear and should be clarified. If a potential participant’s documents do not follow the topical guidelines, is this grounds for disqualification as a participant?

“Access to the LSN” is confusing terminology. We were under the impression that in order to be a participant in Yucca Mountain licensing hearings, the participant must have been certified by the LSN administrator based on the function and conformity of its website to NRC’s LSN guidelines rather than on the content of the documents.

If the intent is to allow the judge to disqualify potential parties based on whether they are following the topical guidelines, then say so rather than “accessing the LSN.”

Part C - EIS criteria

8.1 The terminology “draft and final environmental assessments” is a specific term in the National Environmental Policy Act (NEPA.) This terminology should be clarified as to whether

it relates only to NEPA defined EAs or to a broader term of all environmental reviews. Perhaps “environmental reviews” could be used instead of environmental assessments.

8.8 This refers only to the Department of Energy’s Final Environmental Impact Statements. Appendix A should allow for Final EISs not generated by DOE as well as those that are. Where would FEISs generated by other federal agencies fit in? Examples include land use EISs produced by the Department of Interior/BLM or and defense agency-generated FEISs that might pertain to the topic.

Thank you for the opportunity to review this document at the LSN meeting in Las Vegas in September, and for considering our comments.

Sincerely,

Abigail C. Johnson
Nuclear Waste Advisor

cc: Leonard J. Fiorenzi