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November 10, 2015

Cindy Bladey, Chief
Rule, Announcements and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop OWFN-12H08
US Nuclear Regulatory Commission
Washington DC 20555-001

RE: *Eureka County Comments on Draft Supplement to EIS for Yucca Mountain Repository (NUREG-2184, August 2015), Docket ID NRC 2015-0051*

Dear Ms. Bladey:

Please accept the following comments by Eureka County, Nevada on NRC's Draft Supplement to the U.S. Department of Energy's Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (NUREG-2184, August 2015). In addition, please make the comments part of the public record.

Eureka County, Nevada, is an Affected Unit of Local Government (AULG) under Section 116 of the Nuclear Waste Policy Act, as amended. The County has been an active participant in the federal siting and licensing reviews for the Yucca Mountain repository, including participation as an AULG in the U.S. Nuclear Regulatory Commission's (NRC's) licensing proceeding and submission of comments on relevant environmental documents prepared by NRC and the U.S. Department of Energy (DOE) under the National Environmental Policy Act (NEPA).

Public health and safety is a primary focus for our County. Eureka County is located on and near potential transportation corridors northeast of the proposed Yucca Mountain repository site. Our concerns, therefore, are primarily related to health and safety risks posed by transportation of spent fuel and the need for adequate emergency response capability if the repository is licensed and spent fuel is transported through the County. In addition, the County seeks to ensure that the licensing process for the proposed Yucca Mountain repository is thorough and fair, in order to ensure that any repository operated in our State will be operated safely and will protect public health and safety and the environment for the long-term. To that end, it is extremely important that the NRC and DOE comply with the requirements of NEPA to

the fullest extent possible, considering all relevant environmental factors and weighing alternatives for the protection of the environment.

Eureka County respectfully submits that the Draft Supplement does not reflect the rigorous environmental review required by NEPA because the FEIS and SEIS have been outdated by the passage of time and events that have occurred since 2008 when the NRC staff issued its Adoption Determination Report for the 2002 Yucca Mountain EIS. The scope of the Draft Supplement -- which is confined to localized groundwater impacts down-gradient of the proposed repository -- does not reflect adequate consideration of "changed circumstances" and "new information" arising during the seven years since 2008, requiring consideration under NRC regulation 10 C.F.R. § 51.92. Since 2008, several significant changes have occurred which undermine the impact determinations in the Yucca Mountain EIS and the Draft Supplement and therefore should be addressed in an additional supplement to the Yucca Mountain EIS.

For instance, the Draft Supplement concludes that "all of the potential direct, indirect and cumulative impacts on the resources evaluated in this supplement would be SMALL." *Id.* at iii. We are concerned that this conclusion depends on assumptions of critical conditions that no longer exist. For instance, in particular, the Transportation, Aging and Disposal (TAD) canister proposed by DOE for containment of radioactivity after disposal is no longer being considered for use. DOE is now proposing to use the Standardized Transportation Aging and Disposal (STAD) canister, which is significantly different than the TAD. The NRC or DOE should evaluate the effect of changing the canister on the environmental impacts of the repository, including groundwater impacts. This is an important consideration, in part because the effectiveness of radionuclide containment depends on the promise of drip shields (*i.e.*, titanium umbrellas designed to postpone the corrosion of disposal casks) that are not required to be procured or emplaced for hundreds of years.

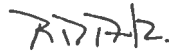
In addition to the effect of eliminating the TAD from use at Yucca Mountain, other changes to the circumstances affecting the environmental impacts of the Yucca Mountain repository include the effects of the President's March 24, 2015 decision that defense high level wastes should be disposed of separately from commercial spent fuel, reversing the longstanding policy to commingle defense and commercial waste; potential changes to transportation routing; and the analysis and conclusions of parts of the Generic EIS for Continued Storage of Spent Nuclear Fuel (NUREG-2157), which seem to contradict the conclusions of the Yucca Mountain EIS. These changed circumstances require new environmental analyses.

Given the already-identified existence of changed circumstances that could affect various aspects of the Yucca Mountain EIS, given the controversial nature of the Yucca Mountain project, and given the passage of seven years since the NRC adopted the DOE's original EIS, Eureka County believes it is incumbent upon the NRC to either initiate or insist upon a new scoping proceeding for the Yucca Mountain EIS. In this scoping proceeding, the NRC and/or DOE should discuss the range of already-identified changed circumstances, and any new information that has arisen since 2008; and it should provide the public with a full opportunity to comment. The NRC should then order the issuance of another draft supplement to the Yucca Mountain EIS

that not only addresses any new and significant information and changed circumstances that could affect the results of the 2002 Yucca Mountain EIS, but that updates the original EIS and integrates the new information with DOE's previous environmental analysis.

Thank you for your consideration, and please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Damele".

Ronald Damele
Public Works Director