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These comments are in response to the Petition for Rulemaking filed by the State of Nevada, Docket No. PRM-51-9.

OFFICE OF SECRETARY
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ADJUDICATIONS STAFF

On behalf of the National Association of Regulatory Utility
Commissioners (NARUC)

We see no need for the NRC to amend 10 CFR Part 51 to preserve the State of Nevada's right to have matters addressed in the Environmental Impact Statement (EIS) that the NRC will issue in conjunction with its licensing process for the repository at Yucca Mountain. As noted in the petition, the Court of Appeals provided the State the right to have consideration be given to outstanding concerns with the EIS prepared for the Yucca Mountain repository when DOE issues any later supplements to that EIS that are germane to Nevada's issues or even later when the NRC prepares its own EIS for the licensing decision. That is a matter of record from the Court ruling that the State can communicate, as it did when it filed the petition or later, to the NRC. While it is good to bring that to the Commission's attention, we see no need to amend 10 CFR Part 51 to reserve that entitlement. The State should have ample opportunity to express its concerns when the NRC begins its EIS process with a public scoping session under the provisions of NEPA and as required under CEQ guidelines.

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