



Board of County Commissioners

Lincoln County, Nevada

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November 7, 2005

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DOCKET NUMBER
PROPOSED RULE 63
(70FR 53313)

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DOCKETED
USNRC

November 8, 2005 (3:33pm)

Secretary, U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudication Staff
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RE: Comments to Proposed Rule, "Implementation of a Dose Standard After 10,000 Years"

To Whom It May Concern:

The Board of Lincoln County Commissioners submits the following comments to the Nuclear Regulatory Commission's proposed rule, "Implementation of a Dose Standard After 10,000 Years" regarding the geologic repository at Yucca Mountain. Pursuant to the Nuclear Waste Policy Act, as amended, Lincoln County, Nevada is one of ten units of local government designated by the Secretary of Energy as "affected" by the proposed deep geologic repository at Yucca Mountain.

In general, Lincoln County encourages NRC to delay adoption of the subject proposed rule until after the Environmental Protection Agency (EPA) has adopted its proposed radiation standards for Yucca Mountain. The County believes it to be bad public policy for NRC to propose and possibly adopt rules for implementing the amended EPA standards for Yucca Mountain in advance of said standards having been finally adopted by EPA.

Lincoln County is particularly concerned with features, events and processes (FEPs) which might result in unanticipated atmospheric releases of radiation and exposure consequences for residents living downwind of the Yucca Mountain site. Review by Lincoln County of NRC's proposed rule adopting the Environmental Protection Agency's (EPA) proposed radiation standards for Yucca Mountain has been focused largely upon the adequacy of EPA's proposed multiple dose standards regarding protection of public health and the implications of said standards with regard to how EPA's proposed standards will affect the way the Department of Energy (DOE) conducts performance assessments relating to seismic and igneous FEPs.

With regard to EPA's proposed multiple dose standards, Lincoln County believes said standard adequately considers protection of public health. The near term standard requiring DOE to demonstrate that a person living 11 miles away from the Yucca Mountain site would be exposed to no more than 15 millirem of radiation per year during the first 10,000 years of repository operations appears reasonable. This conclusion is based upon the fact that a routine chest X-ray

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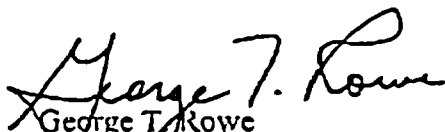
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emits 10 millirem and a mammogram emits 30 millirem, medical procedures which Lincoln County residents voluntarily undertake.

Concerning the longer-term radiation standard, Lincoln County is concerned that the proposed requirement that DOE to demonstrate that a person living 11 miles away from the Yucca Mountain site would be exposed to no more than 350 millirem after 10,000 years of repository operations represents a theoretically arbitrary and seemingly unjustifiable increase between years 10,000 and 10,001 of repository operations. It is not clear how DOE will be able to demonstrate through performance assessment that in year 10,000 radiation exposure is limited to not more than 15 millirem and then demonstrate that in year 10,001 of operations the allowable exposure has increased to as much as 350 millirem.

Finally, Lincoln County notes that NRC's proposed rule appears to be silent with regard to requirements for compliance monitoring and related measures to be taken in the event said monitoring demonstrates noncompliance with established standards. NRC is encouraged to incorporate into the final rule requirements for compliance monitoring and measures to be taken in the event of non-compliance.

Sincerely,


George T. Rowe
Chairman

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