

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ADVISORY PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of)	Docket No. PAPO-001
)	
U. S. DEPARTMENT OF ENERGY)	ASLBP No. 08-861-01-PAPO-BD01
)	
(High-Level Waste Repository: Pre-Application Matters, Advisory PAPO Board))	April 28, 2008

**THE RESPONSE OF THE NEVADA COUNTIES OF CHURCHILL, ESMERALDA, LANDER
AND MINERAL (JOINTLY) TO THE ADVISORY PAPO BOARD MEMORANDUM
(REQUESTING INPUT FROM POTENTIAL PARTIES ON THE FORMAT FOR
CONTENTIONS) DATED APRIL 4, 2008**

The Nevada counties of Churchill, Esmeralda, Lander and Mineral (Jointly) hereby submit their comments on the issues set forth in the Memorandum dated April 4, 2008, requesting information from potential parties.

- A. (Uniform format) Yes, parties should be required to file contentions in a uniform format.
1. N/A
 2. (Format) We favor the format set forth in the cited regulation.
 3. (Contentions of omission) We support the suggestion set forth in the Memorandum.
 4. (Legal issues) Yes, they should be clearly identified as such.
- B. (Labeling) Yes, we agree with the Board's suggestion concerning the first page.
1. (Subject categories) The following subject categories, as well as others, have been circulated among the Units of Local Government (the AULGs) as possible Contentions:
 - Hydrology
 - Volcanism
 - Seismicity
 - TAD safety
 - Aircraft crashes
 - Terrorism risks

- DOE management
- Air quality
- Water quality
- Water use/supply
- Worker safety/accidents
- Socio-economic impacts
- Public health and safety
- Emergency Management
- Cultural impacts
- Mitigation
- Site security
- Rail transportation security
- Truck transportation safety routes and procedures
- Operations/Systems
- Postclosure monitoring
- Postclosure safety analysis; water infiltration, corrosion rates
- Performance confirmation
- Retrieval process and related safety

As suggested by Nye County in their response to the Board, the Contentions might be organized in sequence with reference to and in concert with the Tables of Contents of the License Application and the NEPA documents, as appropriate.

2. (Labeling references) Yes, it is essential that documents from which contentions are drawn be specifically identified in such a manner as to be readily accessed.
3. (Attachment A) Either option would be agreeable. Every effort should be made to keep the system simple and user-friendly.

C. (Supporting materials) Yes, a uniform system for referencing or attaching supporting Materials should be utilized.

1. (Non-LSN material) Yes, a URL locator would be sufficient.
2. (LSN material) Yes, an LSN accession number would be sufficient.
3. (Other materials) Yes, all other materials (other than readily available legal authorities) should be attached to each intervention petition.
4. (Attachment of all materials) This could prove to be cumbersome, and is unnecessary if proper detailed and accurate references are made.
5. (Feasibility of attaching all materials) No, compliance with the requirement would appear to be feasible.

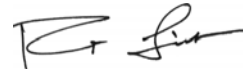
We appreciate the opportunity to contribute to the process of resolving these issues, and look forward to participation in the May 14 conference.

April 28, 2008

Respectfully Submitted,

Churchill County, Nevada
Esmeralda County, Nevada
Lander County, Nevada
Mineral County, Nevada

By: Armstrong Teasdale LLP

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

Robert F. List
Senior Counsel
1975 Village Center Circle
Suite 140
Las Vegas, Nevada 89134
Tel. 702-733-6700
Fax 702-733-9664
Email: rlist@armstrongteasdale.com

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U.S. DEPARTMENT OF ENERGY)
) ASLBP No. 08-861-01-PAPO-PD01
(High-Level Waste Repository:)
Pre-Application Matters, Advisory) April 28, 2008
PAPO Board))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of THE RESPONSE OF THE NEVADA COUNTIES OF CHURCHILL, ESMERALDA, LANDER AND MINERAL (JOINTLY) TO THE ADVISORY PAPO BOARD MEMORANDUM (REQUESTING INPUT FROM THE POTENTIAL PARTIES ON THE FORMAT FOR CONTENTIONS) DATED APRIL 4, 2008 in the above-captioned proceeding has been served on the following Persons this 28th day of April, 2008, by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

Thomas S. Moore, Chair
Administrative Judge
E-mail: thomas.moore@nrc.gov

Alex S. Karlin,
Administrative Judge
E-mail: alex.karlin@nrc.gov

Alan S. Rosenthal
Administrative Judge
E-mail: alan.rosenthal@nrc.gov
rsnthl@comcast.net

ASLB (cont'd.)

Anthony C. Eitreich, Esq.
Chief Counsel
E-mail: anthony.eitreich@nrc.gov

James M. Cutchin: james.cutchin@nrc.gov
Joseph Deucher: joseph.deucher@nrc.gov
Margaret Parish: margaret.parish@nrc.gov
Marcia Carpentier: marcia.carpentier@nrc.gov
Bradley S. Baxter: bradley.baxter@nrc.gov
Lauren Bregman: lauren.bregman@nrc.gov
Zachary Kahn: zachary.kahn@nrc.gov
Erica LaPlante: erica.laplante@nrc.gov
Johanna Thibault: johanna.thibault@nrc.gov
Emily Krause: emily.krause@nrc.gov

Daniel J. Graser: daniel.graser@nrc.gov
LSN Administrator
ASLB HLW Adjudication
E-mail: ASLBP_HLW_Adjudication@nrc.gov*

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Janice E. Moore, Esq. janice.moore@nrc.gov
Mitzi A. Young, Esq.
mitzi.young@nrc.gov
Marian L. Zabler, Esq. marian.zabler@nrc.gov
Andrea L. Silvia, Esq. andrea.silvia@nrc.gov
Margaret J. Bupp, Esq. margaret.bupp@nrc.gov
Daniel W. Lenehan, Esq. daniel.lenehan@nrc.gov
Jessica Bielecki, Esq. jessica.bielecki@nrc.gov

OGC Mail Center : OGCMailCenter@nrc.gov

U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, NV 89134-6321

Timothy C. Gunter
E-mail: timothy_gunter@ymp.gov

U.S. Nuclear Regulatory Commission
Office of Public Affairs
Mail Stop O-16D3
Washington, DC 20555-0001

David McIntyre:
E-mail: david.mcintyre@nrc.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W.
Washington, DC 20585

Martha S. Crosland, Esq.
E-mail: Martha.crosland@hq.doe.gov
Angela M. Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321

George W. Hellstrom, Esq.
E-mail: george.hellstrom@ymp.gov

Counsel for the U.S. Department of Energy
Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Jay Gutierrez, Esq.
E-mail: jgutierrez@morganlewis.com
Thomas Poindexter, Esq.
E-mail: tpoindexter@morganlewis.com
Donald Silverman, Esq.
E-mail: dsilverman@morganlewis.com

Egan, Fitzpatrick & Malsch, PLLC
Counsel for the State of Nevada
2001 K Street
Washington, DC 20006

Joseph R. Egan, Esq.
E-mail: eganpc@aol.com
Martin G. Malsch, Esq.
E-mail: mmalsch@nuclearlawyer.com
Susan Montesi
E-mail: smontesi@nuclearlawyer.com

Egan, Fitzpatrick & Malsch, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216

Charles J. Fitzpatrick, Esq.
E-mail: cfitzpatrick@nuclearlawyer.com
Laurie Borski, Paralegal
E-mail: lborski@nuclearlawyer.com

Hunton & Williams, LLP
Counsel for the U.S. Department of Energy
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

W. Jeffrey Edwards, Esq.
E-mail: jewards@hunton.com
Kelly L. Faglioni, Esq.
E-mail: kfaglioni@hunton.com
Melissa Grier
E-mail: mgrrier@hunton.com
Donald P. Irwin, Esq.
E-mail: dirwin@hunton.com
Stephanie Meharg:
E-mail: smeharg@hunton.com
Edward P. Noonan, Esq.
E-mail: enoonan@hunton.com
Audrey B. Rusteau
E-mail: arusteau@hunton.com
Michael R. Shebelskie, Esq.
E-mail: mshebelskie@hunton.com
Pat Slayton
E-mail: pslayton@hunton.com
Belinda A. Wright
E-mail: bwright@hunton.com

Carter Ledyard & Milburn, LLP
Counsel for Lincoln County
1401 Eye Street, N.W.
Suite 300
Washington, DC 20005

Barry S. Neuman, Esq.
E-mail: neuman@clm.com

Clark County (NV) Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 98155

Engelbrecht von Tiesenhausen
E-mail: evt@co.clark.nv.us
Phil Klevorick
E-mail: klevorick@co.clark.nv.us

Ross Dixon & Bell
Counsel for the State of Nevada
2001 K. Street N.W., Suite 400
Washington, DC 20006

Merril Hirsh, Esq.
E-mail: mhirsh@rdblaw.com

Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036

Diane Curran, Esq.
E-mail: dcurran@harmoncurran.com

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Liane Lee, Legislative Affairs Officer
E-mail: lilee@LasVegasNevada.GOV

Nevada Nuclear Waste Task Force
P.O. Box 26177
Las Vegas, NV 89126

Judy Treichel, Executive Director
E-mail: judyntwf@aol.com

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403

Loreen Pitchford, LSN Coordinator
Churchill, Esmeralda, Eureka, Mineral,
and Lander County's, Nevada
E-mail: lpitchford@comcast.net

Clark County, Nevada
Elizabeth A. Vibert, Deputy District Attorney
500 South Grand Central Parkway
Las Vegas, NV 89106
E-mail: VibertE@co.clark.nv.us

Nuclear Energy Institute
1776 I Street, NW Suite 400
Washington, DC 20006-3708

Michael A. Bauser, Esq.
E-mail: mab@nei.org
Anne W. Cottingham, Esq.
E-mail: awc@nei.org
Ellen C. Ginsberg, Esq.
E-mail: ecg@nei.org

Nuclear Information and Resource Service
(NIRS)
6930 Carroll Ave., Suite 400
Takoma Park, MD 20912

Kevin Kamps
E-mail: kevin@beyondnuclear.org

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706

Robert Loux
E-mail: bloux@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinatory
E-mail: Steve.frishman@gmail.com

Timbisha Shoshone Tribe
Frederick and Peebles, LLP
1001 Second St.
Sacramento, CA 95814

Darcie L. Houck, Esq.
E-mail: dhouch@ndlaw.com
John M. Peebles, Esq.
E-mail: jpeebles@ndlaw.com
Joe Kennedy, Esq.
E-mail: chairperson@timbisha.org

Robert F. List, Esq.
Counsel for Churchill, Eureka, Lander, Mineral,
and Esmeralda County's
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
E-mail: rlist@armstrongteasdale.com

Nye County (NV) Regulatory/Licensing Adv.
18160 Cottonwood Rd. #265
Sunriver, OR 97707

Malachy Murphy, Esq.
E-mail: mrmurphy@chamberscable.com
Jeffrey D. VanNiel
E-mail: nbrjdv@gmail.com

Talisman International, LLC
1000 Potomac St., NW
Suite 300 Washington, DC 20007

Patricia Larimore, Senior Paralegal
E-mail: plarimore@talisman-intl.com

White Pine County
City of Caliente
Lincoln County
P.O. Box 126
Caliente, NV 89008

Jason Pitts
E-mail: jayson@idtservices.com

Yucca Mountain Project Licensing Group
DOE/BSC
Regulatory Programs
1180 North Town Center Dr.
Las Vegas, NV 89144

Jefrey Kriner
E-mail: jeffrey_kriner@ymp.gov

Dated April 28, 2008

Signed (Electronically)

Robert F. List
Senior Counsel
Armstrong Teasdale LLP
Counsel for the Nevada Counties of
Churchill, Esmeralda, Lander and Mineral
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134
Tel. 702-733-6700
Fax. 702-733-9664
Email: rlist@armstrongteasdale.com