

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ADVISORY PRE-LICENSE  
APPLICATION PRESIDING OFFICER BOARD**

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

**CLARK COUNTY’S RESPONSE TO ADVISORY PAPO BOARD’S  
APRIL 4, 2008 MEMORANDUM REQUESTING INPUT  
FROM POTENTIAL PARTIES ON FORMAT FOR CONTENTIONS**

**I. INTRODUCTION**

Clark County, Nevada (“Clark County”) Clark County, an affected unit of local government pursuant to the Nuclear Waste Policy Act of 1982, and a potential party to the proceeding, hereby informs the Board as follows:

Clark County intends to participate in the Yucca Mountain proceedings, and hereby makes this submission in response to the Board’s April 4, 2008 request for information from all potential parties:

**II. FORMAT OF CONTENTIONS**

In accordance with the Advisory PAPO Board’s (“Board’s”) April 4, 2008 Memorandum, Clark County provides the following input and responses:

**A. Paragraph A - Format of Contentions**

Paragraph A invites potential parties to comment on the Board’s preliminary opinion that it would be useful if contentions were submitted in a uniform format.

1. Clark County agrees that a having a uniform format would greatly facilitate submission, and review of, contentions.

2. Clark County is not aware of any format that would be superior to one that calls upon each potential party to address separately, in order and clearly labeled, each of the six requirements for contentions set fourth in 10 C.F.R. § 2.309 (f)(1)(i)-(vi).

3. Clark County supports the proposal that contentions of omission be clearly identified as such, and that they specify the statutes, regulations, or case precedents that require the inclusion of the alleged by missing information.

4. Clark County strongly supports the proposal that contentions raising only legal issues should be identified as such.

## **B. Paragraph B - Labeling of Contentions**

Paragraph B request input from potential parties on the labeling of contentions. Clark County believes the labeling of contentions on the first page is extremely important, and that requiring the parties to label their contentions on the first page of each such contention will facilitate allocating the contentions among the licensing boards and among counsel with primary responsibility for preparing answers.

1. Clark County believes contentions should be labeled following the License Application Table of Contents (“TOC”) that is submitted by the Department of Energy. Similarly, for the Final Environmental Impact Statement (“FEIS”), the table of contents would be useful format.

2. Clark County supports the need for labels to include specific reference to the document from which the contention is drawn. Such labels should include the level of specificity necessary to appropriately identify documents and to trace references.

3. Clark County would agree to a format similar to those found in Exhibit A, but would prefer the labeling format found in Option 1. Clark County would prefer, if possible, a system which identifies the parties submitting contentions by name, rather than by the proposed three digit code.



## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing CLARK COUNTY'S RESPONSE TO ADVISORY PAPO BOARD MEMORANDUM (Requesting Input from Potential Parties on Format for Contentions) have been served upon the following persons by Electronic Information Exchange.

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