

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION
 BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

ASLB BOARD 09-876-HLW-CAB01 William S. Froelich, Chair Thomas S. Moore Richard E. Wardwell	ASLB BOARD 09-877-HLW-CAB02 Michael M. Gibson, Chair Lawrence G. McDade Nicholas G. Trikouros
ASLB BOARD 09-878-HLW-CAB03 Paul S. Ryerson, Chair Michael C. Farrar Mark O. Barnett	ASLB BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chair Paul S. Ryerson Richard E. Wardwell

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 In the Matter of)
)
 U.S. DEPARTMENT OF ENERGY) Docket No. 63-01
)
 (High-Level Waste Repository))
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**EUREKA COUNTY’S NOTICE REGARDING
 CONTENTIONS ON WHICH IT INTENDS TO PARTICIPATE**

Pursuant to the Commission’s Order of January 15, 2009, and 10 C.F.R. § 2.315(c), Eureka County hereby identifies the admitted contentions on which it intends to participate in this proceeding. The list of contentions is organized according to the subject matter areas in which the County has an interest:

1. Emergency Planning

- NEV-SAFETY-005 Emergency Plan
- CLK-NEPA-001 The DOE Ignores Impacts on Emergency Management and Public Safety
- 4NC-NEPA-002 Insufficient analysis in Environmental Impact statement of significant and substantial considerations related to emergency response capacity within the Four Nevada Counties
- NEV-SAFETY-139 Description of Reasonable Emergencies

2. Transportation (Including Sabotage)

- NEV-NEPA-001 Transportation Sabotage Scenarios
- NEV-NEPA-002 Transportation Sabotage Cleanup Costs

NEV-NEPA-003	Transportation Accident Cleanup Costs
NEV-NEPA-004	Shared Use Option
NEV-NEPA-005	Radiological Regions of Influence for Transportation
NEV-NEPA-006	Caliente Rail Alignment Plan and Profile Information
NEV-NEPA-007	Overweight Trucks
NEV-NEPA-008	Impacts on Aesthetic Resources
CLK-NEPA-002	The DOE Fails to Analyze Known and Feasible Rail Corridor Alternatives
CLK-NEPA-003	The DOE Ignores Socio-Economic Impacts
NEV-NEPA-009	Transportation Sabotage Risk vs. At-Reactor Storage
NEV-NEPA-010	Long-Term Radiation Exposure Following Sabotage
NEV-NEPA-011	Sabotage Risk, Pressurized Cask
NEV-NEPA-012	Transportation Risk Assumptions
NEV-NEPA-013	Grazing Impacts
NEV-NEPA-014	Deferred Assessment of Railroad Construction Impacts on Grazing
NEV-NEPA-015	TAD Shipment Estimates
NEV-NEPA-016	Representative Routes
4 NC-SAFETY-001	Insufficient analysis in the License Application and SAR of transportation container usage and correlating impacts on worker safety
4NC-NEPA-003	Insufficient analysis in environmental Impact Statement of significant & substantial new considerations related to selection of spent nuclear fuel transportation container, which renders Environmental Impact Statement inadequate
CAL-NEPA-001	DOE's NEPA Documents Impermissibly Segment the Project by Deferring Analysis of the Environmental Impacts of Transportation of Spent Fuel and High-Level Waste Through California to Yucca Mountain
CAL-NEPA-002	DOE's NEPA Documents Impermissibly Segment the Project as to Route Selection and Route-Specific Impact Analysis
CAL-NEPA-003	DOE's NEPA Documents Impermissibly Fail to Analyze and Disclose Different Environmental Impacts from the Mina and Caliente routes
CAL-NEPA-004	DOE's NEPA Documents Fail to Adequately Discuss or Analyze Mitigation in California Adequately
CAL-NEPA-005	DOE's NEPA Documents Are Based on an Incomplete and Inaccurate Project Description, Since a Doubling or Tripling of Yucca Mountain's Capacity is Reasonably Foreseeable Due to DOE's Request to Congress to Authorize Such a Capacity Increase
CAL-NEPA-007	DOE's NEPA Documents Fail to Adequately Describe Transportation Impacts on Emergency Services in San Bernardino County
CAL-NEPA-008	DOE's NEPA Documents Fail to Describe the Maximum Reasonably Foreseeable Accident
CAL-NEPA-010	Failure to Analyze Impacts of Intermodal Transfers
CAL-NEPA-011	Failure to Evaluate Impacts Within All Radiologic Regions of Influence
CAL-NEPA-012	Failure to Discuss and Analyze Collocation Risks
CAL-NEPA-013	Failure to Discuss and Analyze Barge Risks
CAL-NEPA-015	By Using Representative Routes, DOE Has Failed to Analyze Environmental Impacts of Probable Routes Railroads Would Use
CAL-NEPA-017	Environmental Impacts from the Use of Heavy-Haul Trucks at Local Sites
CAL-NEPA-19	Failure to Analyze Use of TAD Canisters
CAL-NEPA-20	Failure to Adequately Analyze Impacts on Local Emergency Management Responsibilities

3. Repository Safety and Environmental Impacts

CLK-SAFETY-002	The DOE's Failure to Analyze Missile Testing
NYE-SAFETY-004	Failure to fully consider possible air quality and radiological changes due

to pre-closure construction and operational activity

NYE-JOINT SAFETY-006	The LA lacks any justification or basis for excluding potential aircraft crashes as a category 2 event sequence
NEV-SAFETY-130	Drip Shield Emplacement Plan, Equipment and Schedule
NEV-SAFETY-146	Reliance on Preliminary or Conceptual Design Information (Drip Shield)
NEV-SAFETY-161	Critical Role of the Drip Shield
NEV-SAFETY-162	Drip Shield Installation Schedule
NEV-SAFETY-168	Retrieval Practicality
NEV-SAFETY-169	Deferred Retrieval Plans
NEV-SAFETY-170	Conservatism and the PMA
NEV-SAFETY-171	PMA and QA
NEV-SAFETY-172	Inspection and Verification of TAD
NEV-SAFETY-174	Controls and Restrictions
NEV-SAFETY-175	Controls on Pilot Relief
NEV-SAFETY-176	Controls on Pilot Maneuvering
NEV-SAFETY-177	Controls on Helicopters
NEV-SAFETY-178	Basis for Aircraft Exclusions
NEV-SAFETY-179	Controls on Aircraft Operations (Mid-Air)
NEV-SAFETY-180	Crash Frequency of Fixed-Wing Aircraft
NEV-SAFETY-181	Basis for Crash Density Calculations
NEV-SAFETY-182	Glide Distance
NEV-SAFETY-183	Crash Rates
NEV-NEPA-023	Aircraft Crash Scenarios – Aging Facility
NEV-MISC-005	Role of Aging Facility
NEI-SAFETY-006	Drip Shields Are Not Necessary

4. Seismic and Volcanic Risks

CLK-SAFETY-003	The DOE Miscalculates Basaltic Magma Melting Depth
CLK-SAFETY-004	The DOE Ignores the Time Span of Basaltic Volcanism
CLK-SAFETY-005	The DOE Improperly Focuses on Upper Crustal Extension Patterns
CLK-SAFETY-006	The DOE Improperly Excludes the Death Valley Volcanic Field and Greenwater Range from Volcanism Calculations
CLK-SAFETY-007	The DOE Improperly Estimates Igneous Event Probability for 10,000 Years and 1,000,000 Years
CLK-SAFETY-008	The DOE Ignores 11-Million Year Volcanism Data and Instead Relies on Only 5-Million-Year Volcanism Data
CLK-SAFETY-009	The DOE Fails to Consider Alternative Igneous Event Conceptual Models
CLK-SAFETY-010	The DOE Ignores Igneous Event Data Evaluated Since 1996 in the Total System Performance Analysis
CLK-SAFETY-011	The DOE Lacks Sufficient Geophysical Data to Support its Volcanic Model
WHI-NEPA-001	Failure of Environmental Impact Statements to Fully Disclose Consequences of Radiation Contaminated Tephra Deposition in Areas Other Than That Directly Applicable to the Reasonably Maximally Exposed Individual
WHI-NEPA-003	Failure of Environmental Impact statements to Discuss Means to Mitigate Adverse Impacts of Radiation Contaminated Tephra Deposition in Areas Other Than That Directly Applicable to the Reasonably Maximally Exposed Individual
WHI-NEPA-004	Failure of Environmental Impact Statements to Discuss Means to Mitigate Diverse Impacts of Atmospheric Transport of Radionuclides in Volcanic Gases

NEV-SAFETY-150 Basaltic Magma Melting Depth
NEV-SAFETY-151 Time Span of Basaltic Volcanism
NEV-SAFETY-152 Focus on Upper Crustal Extension Patterns
NEV-SAFETY-153 Exclusion of Death Valley from Volcanism Calculations
NEV-SAFETY-154 Igneous Event Probability for 10,000 Years and 1,000,000 Years
NEV-SAFETY-155 11-Million Year vs. 4-Million Year Volcanism Data
NEV-SAFETY-156 Alternative Igneous Event Conceptual Models
NEV-SAFETY-157 Igneous Event Data in the TSPA
NEV-SAFETY-158 Geophysical Data in DOE's Volcanic Model
NEV-SAFETY-159 Propagation of Conceptual and Parametric Uncertainties through the Safety Assessment

NEV-SAFETY-160 Probability Density Functions Used in the TSPA
NEV-SAFETY-166 Probabilistic Seismic Hazard Analysis Expert Elicitation
NEV-SAFETY-167 Probabilistic Volcanic Hazard Analysis Expert Elicitation

5. Miscellaneous: Alternative Waste Storage and Land Ownership

NEV-MISC-002 Alternate Waste Storage Plans
CAL-NEPA-014 Failure to Describe and Analyze Waste Acceptance Criteria
NCA-MISC-001 Land Ownership and Control

Eureka County also wishes to inform the Licensing Boards that as additional contentions are admitted to the proceeding, the County will consider whether to participate on those contentions. The County intends to notify the Boards of any additions to its list of contentions on which it intends to participate within ten days of any ruling on the admissibility of a contention in which the County is interested.

Respectfully submitted,

Signed (electronically) by

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June 23, 2009

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)
)

US DEPARTMENT OF ENERGY)
)

HLW (High-Level Waste Repository))
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_____)

Docket No. 63-001-HLW

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2009, I posted on the NRC's Electronic Information Exchange the foregoing Eureka County's Notice Regarding Contentions on Wish it Intends to Participate. It is my understanding that the following persons were served as a result:

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