

ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

_____)	
STATE OF NEVADA,)	
)	
	Petitioner,)	
)	
	v.)	No. 09-1133
)	
UNITED STATES NUCLEAR)	
REGULATORY COMMISSION, and the)	
UNITED STATES OF AMERICA,)	
)	
	Respondents.)	
_____)	

CERTIFIED INDEX OF THE RECORD

I hereby certify that the documents listed and described below in the Certified Index of the Record constitute the record of the decision by the U.S. Nuclear Regulatory Commission, the primary respondent herein, in case number 09-1133.

Respectfully submitted,



Andrew L. Bates

 Andrew L. Bates
 Acting Secretary of the Commission

Dated at Rockville, Maryland
this 29th day of September, 2009.

In the Matter of
Implementation of a Dose Standard after 10,000 Years

Docket No.: PR-063

09/29/2009

FR Cite: 70FR53313

Docket Date	Document Date	Miscellaneous Description	ADAMS Accession No. ¹
09/29/2009	--/--/1991	Forester, R. "Pliocene-Climate History of the Western United States Derived from Lacustrine Ostracodes," <i>Quaternary Science Reviews</i> , Volume 10, pages 133-146.	
09/29/2009	--/--/1991 to --/--/1996	International Commission on Radiation Protection, Publications Nos. 60 through 72. (Nos. 69-72 available through www.icrp.org/annals_list.asp)	
09/29/2009	--/--/1992	National Academy of Sciences, National Research Council, <i>Ground Water at Yucca Mountain: How High Can It Rise?</i> http://books.nap.edu/openbook.php?record_id=2013&page=R1	
09/29/2009	09/--/1993	U.S. Environmental Protection Agency, Federal Guidance Report No. 12, "External Exposure To Radionuclides In Air, Water, And Soil" (EPA-402-R-93-081).	
09/29/2009	09/--/1994	Stothoff, S., "BREATH Version 1.0—Coupled Flow and Energy Transport in Porous Media: Simulator Description and User Guide," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML040780274
09/29/2009	--/--/1995	National Academy of Sciences, National Research Council, <i>Technical Bases for Yucca Mountain Standards</i> . http://books.nap.edu/openbook.php?isbn=0309052890&page=R1	
09/29/2009	--/--/1997	Nuclear Regulatory Commission, "Uncertainty Analysis of Infiltration and Subsurface Flow and Transport for SDMP Sites," NUREG/CR-6565.	ML091200509
09/29/2009	09/23/1998	U.S. Department of Energy, "Probabilistic Seismic Hazard Analyses for Fault Displacement and Vibratory Ground Motion at Yucca Mountain, Nevada; Final Report." NRC Licensing Support Network ID# DEN00866273.	
09/29/2009	--/--/1999	Thompson, Anderson, and Bartlein, "Quantitative Paleoclimatic Reconstructions from Late Pleistocene Plant Macrofossils of the Yucca Mountain Region," U.S. Geological Survey Open-File Report 99-338.	

¹To retrieve a document with an ADAMS Accession Number, go to the Web page below and click on "Begin ADAMS Search." On the next page, enter the ADAMS Accession Number in double quotes in the search window and click on "Search." <http://www.nrc.gov/reading-rm/adams/web-based.html>

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09/29/2009	--/--/1999	Reheis, M., "Highest Pluvial Lake Shorelines and Pleistocene Climate in the Western Great Basin," Quaternary Research, Volume 52, pages 196-205, 1999.	
09/29/2009	09/--/1999	U.S. Environmental Protection Agency, Federal Guidance Report No. 13, "Cancer Risk Coefficients for Environmental Exposure to Radionuclides" (EPA-402-R-99-001).	
09/27/2009	12/--/2000	McNeish, J., et al., "Total System performance Assessment for the Site Recommendation," Civilian Radioactive Waste Management System Management & Operating Contractor.	ML010320463
09/27/2009	--/--/2001	U.S. Environmental Protection Agency, Chapters 6-8 of the Background Information Document for the 2001 final rule, 40 CFR Part 197. Docket No. EPA-HQ-OAR-2005-0083-0050.	
09/27/2009	--/--/2001	Codell, R., et al., "System-Level Repository Sensitivity Analysis, Using TPA 3.2 Code," NUREG-1746.	ML012990126
09/29/2009	09/--/2001	Waiting, D., et al. "Technical Assessment of Structural Deformation and Seismicity at Yucca Mountain, Nevada," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML033630629
09/27/2009	10/31/2001	McCartin and Lee, "Preliminary Performance-Based Analysis Relevant to Dose-Based Performance Measures For a Proposed Geologic Repository at Yucca Mountain," NUREG-1538.	ML020100312
09/27/2009	02/--/2002	U.S. Department of Energy, "Final Environmental Impact Statement For a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada."	ML032690321
09/29/2009	03/14/2002	S. Sharpe, S., "Future Climate Analysis—10,000 years to 1,000,000 Years After Present," MOD-01-001 Rev. 00, Desert Research Institute. NRC Licensing Support Network ID# DEN001331654.	
09/29/2009	--/--/2003	Sharpe, S. "Future Climate Analysis: 10,000 Years to 1,000,000 Years After Present," Reno, NV: Desert Research Institute. NRC Licensing Support Network ID# DN2002371278.	
09/29/2009	--/--/2003	Zhu, Winterle, and Love, "Late Pleistocene and Holocene Groundwater Recharge from the Chloride Mass Balance Method and Chlorine-36 Data," Water Resources Research, Vol 39, No. 7, page 1182.	

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09/29/2009	02/13/2003	U.S. Nuclear Regulatory Commission, "Use of the Effective Dose Equivalent in Place of the Deep Dose Equivalent in Dose Assessments," Regulatory Issue Summary 2003-04.	ML030370122
09/27/2009	07/--/2003	U.S. Nuclear Regulatory Commission, "Yucca Mountain Review Plan, Final Report," Rev. 2, NUREG-1804	ML032030389
09/29/2009	--/--/2004	Mohanty, Codell, Menchaca, et al., "System-Level Performance of the Proposed Repository at Yucca Mountain Using the TPA Version 4.1 Code," CNWRA 2002-05, Revision 2, San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML041350316
09/29/2009	11/--/2004	Levitt, D., et al., "Simulation of Net Infiltration for Present-Day and Potential Future Climates," Las Vegas, NV: Bechtel SAIC Company, LLC. NRC Licensing Support Network ID# DN2001629759.	
09/29/2009	04/08/2005	Cohen, S., "Assumptions, Conservatisms, and Uncertainties in Yucca Mountain Performance Assessments," S. Cohen & Associates, prepared for U.S. Environmental Protection Agency.	
09/29/2009	--/--/2006	Stothoff and Musgrove, "Literature Review and Analysis: Climate and Infiltration," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML063190115
09/29/2009	01/23/2006	U.S. Nuclear Regulatory Commission, Advisory Committee on Nuclear Waste, Letter Report ACNW R-0236, "Title 10 of the Code of Federal Regulations Part 63 Proposed Rule."	ML060240614
09/29/2009	--/--/2007	McCartin, T., "Regulatory Perspective on Implementation of a Dose Standard for a One-Million Year Compliance Period," in <i>Scientific Basis for Nuclear Waste Management XXX</i> , Materials Research Society Proceedings Vol. 985, Symposium NN, paper number 0985-NN02-01.	
09/29/2009	01/09/2007	Fedors, R., "Soil Depths Measured at Yucca Mountain During Site Visits in 1998," Interoffice Note to J. Guttman, Nuclear Regulatory Commission.	ML063600082
09/29/2009	04/--/2007	Manepally, C., et al., "The Nature of Flow in the Faulted and Fractured Paintbrush Nonwelded Hydrogeologic Unit," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML071410138
09/29/2009	08/31/2007	Stothoff and Walter, "Long-Term Average Infiltration at Yucca Mountain, Nevada: Million-Year Estimates," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML072760607

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Docket Date	Document Date	Miscellaneous Description	ADAMS Accession No.
09/27/2009	09/--/2007	Leslie and Grossman, "Total-System Performance Assessment (TPA) Version 5.1 Code: Module Descriptions and User's Guide," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML072710060
09/29/2009	08/--/2008	Stothoff, S., "Infiltration Tabulator for Yucca Mountain: Bases and Confirmation," San Antonio, TX: Center for Nuclear Waste Regulatory Analyses.	ML082350701
09/29/2009	08/--/2008	Fedors, R. "Soil Hydraulic Properties Measured During Site Visits to Yucca Mountain, Nevada," Interoffice Note to E. Peters, Nuclear Regulatory Commission.	ML082170957
09/29/2009	09/--/2008	U.S. Environmental Protection Agency, "Response to Comments: 40 CFR Part 197, Final Rule."	
09/29/2009	10/15/2008	U.S. Environmental protection Agency, "40 CFR Part 197: Public Health and Environmental Radiation Protection Standards for Yucca Mountain, Nevada; Final Rule," 73 Federal Register 61256 (Oct. 15, 2008).	
09/27/2009	11/04/2008	U.S. Nuclear Regulatory Commission, SECY-08-0170, "Final Rule: 10 CFR Part 63, Implementation of a Dose Standard After 10,000 Years."	ML082270760
09/27/2009	11/04/2008	U.S. Nuclear Regulatory Commission, SECY-08-0170, Attachment 1 (draft Federal Register Notice).	ML082280158
09/27/2009	11/04/2008	U.S. Nuclear Regulatory Commissioner SECY-08-0170, Attachment 2 (Regulatory Analysis).	ML082270176
09/27/2009	02/17/2009	U.S. Nuclear Regulatory Commission SECY-08-0170, Commission Voting Record.	ML090490694
09/27/2009	02/17/2009	U.S. Nuclear Regulatory Commission, SECY-08-0170, Staff Requirements Memorandum.	ML090480610

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Comment Number	Comment Submitted by	Representing	Docket Date	Document Date	Miscellaneous Description	Accession Number
			09/02/2005	09/01/2005	Federal Register Notice - Proposed Rule. Published in the Federal Register at 70FR53313 on September 8, 2005.	ML052410050
			10/03/2005	09/30/2005	Letter from Blue Ridge Environmental Defense League, L. Zeller, Committee to Bridge the Gap, D. Hirsch, et. Al. requesting for an extension of comment period.	ML052760301
			10/06/2005	09/21/2005	Letter from the State of Nevada, Office of the Govenor, Robert R. Loux, requestioning for an extension of comment period.	ML052800397
			10/17/2005	10/12/2005	Letter from Senators Harry Reid and John Ensign requesting for an extension of the comment period.	ML052910387
1	John C. Walton Ph.D. Professor	Self	11/02/2005	11/01/2005		ML053120372

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Comment Number	Comment Submitted by	Representing	Docket Date	Document Date	Miscellaneous Description	Accession Number
2	Mike Simon Director	White Pine County Nuclear Waste Project Office	11/08/2005	11/02/2005		ML053140145
3	George T. Rowe Chairman	Board of Lincoln County Commissioners	11/08/2005	11/07/2005		ML053140193
4	James Bradford Ramsay, Grace D. Soferberg, Assist. Gen. C.	National Association of Regulatory Utility Commissioners (NARUC)	11/16/2005	11/11/2005		ML053220027
5	Jim and Virginia Wagner	Self	11/22/2005	11/01/2005		ML053330051
6	Ronald Damele Public Works Director	Eureka County Public Works	12/06/2005	12/04/2005		ML053410275

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Comment Number	Comment Submitted by	Representing	Docket Date	Document Date	Miscellaneous Description	Accession Number
7	Robert R. Loux Executive Director	State of Nevada Office of the Governor/ Agency For Nuclear Projects	12/06/2005	12/02/2005		ML053420305
8	Steven P. Kraft Sr. Director Waste Management	NEI	12/06/2005	12/06/2005		ML053410360
9	LeRoy Koppendraye Chrm., Minnesota Public Util. Comm.	Nuclear Waste Strategy Coalition	12/07/2005	12/07/2005		ML053410361
10	Judy Treichel Executive Director	Nevada Nuclear Waste Task Force, Inc.	12/08/2005	12/02/2005		ML053420487
11	Paul M. Golan Acting Director, Office of Civilian Radioactive Waste Management	U.S. Department of Energy	12/08/2005	12/07/2005		ML053420492

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12	Michele Boyd Legislative Director, Energy Program	Public Citizen	12/08/2005	12/07/2005		ML053420496
13	Harry Reid John Ensign	U.S. Senator Harry Reid U.S. Senator John Ensign	12/08/2005	12/07/2005		ML053420504
14	Rory Reid Chairman	Clark County, Nevada	12/08/2005	12/07/2005		ML053490137
15	Don Riggs	Self	12/12/2005	11/28/2005		ML053480379
16	Kenneth John Gilmour	Self	12/14/2005	11/11/2005		ML053490136

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Comment Number	Comment Submitted by	Representing	Docket Date	Document Date	Miscellaneous Description	Accession Number
			12/22/2005	12/21/2005	Supplemental Comments fm. The State of Nevada, Robert R. Loux dated December 21, 2005.	ML053570106
			01/12/2006	01/11/2006	Supplemental Comments from The State of Nevada, Robert R. Loux dated 01/11/06.	ML060120268
			04/13/2006	04/12/2006	Memorandum to Files fm. Emile L. Julian, NRC, providing a representative sample of 3,188 form comments submitted in Response to Request for Comments on PR-063 (70FR53313) regarding Implementation of a Dose	ML061030511
			03/10/2009	03/12/2009	Federal Register Notice - Final Rule. Published in the Federal Register at 74FR 10811 on March 13, 2009	ML090550397

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2009, copies of the foregoing "CERTIFIED INDEX OF THE RECORD" were served either by the Court's CM/ECF system or by first class mail, postage prepaid, upon the following counsel (names of counsel served by mail are marked by asterisks):

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