In the Matter of

U.S. DEPARTMENT OF ENERGY (High-Level Waste Repository)

Docket No. 63-01

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 Rose 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
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
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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