

June 2010
High-level Waste Hearings
Summary Table

High-Level Waste hearing

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ORDERS Electronic Hearing Docket Board Orders for June - CAB 4

Date	June 7	June	June
	June 7 - Order regarding Proposed conditions for DOE's LSN collection archive	Draft CASE MANAGEMENT CONFERENCE Transcripts	

MOTIONS AND PLEADINGS

Date	June 1	June 1	
	<p>NYE COUNTY COMMENTS REGARDING DOE'S LSN PRESERVATION PLAN Pursuant to the Construction Authorization Board 04's (CAB04), April 27, 2010 Memorandum and Order, Nye County, Nevada ("Nye County"), hereby submits the following comments regarding Department of Energy's ("DOE") plans for preserving is LSN collection and other information. Memorandum and Order (Setting Briefing Schedule) at pp. 2 (April 27, 2010) (unpublished).</p>	<p>:STATE OF NEVADA'S COMMENTS ON DOE'S PRESERVATION PLANS FOR DOCUMENTARY MATERIAL</p>	
Date	June 14	June 17	June 18
	<p>STATE OF NEVADA PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT FOR YUCCA MOUNTAIN The NRC Staff is actively engaged in efforts to complete two volumes of its Safety Evaluation Report (SER) on the Department of Energy's (DOE) application to construct a permanent geologic repository at Yucca Mountain. These two SER volumes are SER Volume 1, which will address Volume 1 of DOE's application, and SER Volume 3, which will address DOE's Total System Performance Assessment (TSPA) and analysis of post-closure (disposal) safety, the subject of multiple volumes of DOE's application. The focus of this Petition by the State of Nevada (Nevada) is on the Staff's efforts to complete SER Volume 3.</p>	<p>STATUS OF LICENSING SUPPORT NETWORK This is to document the status of Licensing Support Network (LSN) participation by petitioners/potential parties</p>	<p>JOINT REPORT CONCERNING CONDITIONS REGARDING DOE LSN DOCUMENT COLLECTION The parties, interested governmental participants, and petitioners for intervention (hereafter "the parties") have conferred² and sought to reach agreement upon a complete set of conditions³ regarding DOE's LSN document collection. The product of the parties' efforts follows, with Part I enumerating the conditions agreed upon, and Part II articulating the disparate positions of the parties with respect to proposed conditions on which agreement was not reached.</p>

Date	June 18	June 22	June 22
	<p><u>JOINT REPORT CONCERNING CONDITIONS REGARDING DOE LSN DOCUMENT COLLECTION</u></p> <p>The parties, interested governmental participants, and petitioners for intervention¹ (hereafter "the parties") have conferred² and sought to reach agreement upon a complete set of conditions³ regarding DOE's LSN document collection. The product of the parties' efforts follows, with Part I enumerating the conditions agreed upon, and Part II articulating the disparate positions of the parties with respect to proposed conditions on which agreement was not reached.</p>	<p><u>CORRECTED WHITE PINE COUNTY'S RESPONSE TO STATE OF NEVADA'S PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT</u></p> <p>On June 14, 2010, the State of Nevada petitioned the Commission ("Petition") to order an immediate suspension of NRC Staff's ("Staff") work on Safety Evaluation Report (SER) Volume 3 until there is a final Commission decision on DOE's March 3, 2009 motion to withdraw its license application. The Commission should reject Nevada's call for immediate suspension or termination of the Staff's SER work but should grant Nevada's request for the Commission to direct the presiding Atomic Safety and Licensing Board (CAB-04) to issue an order on each of the ten pending legal issues raised by Nevada. In addition, White Pine County believes that all legal contentions filed in this proceeding which have been briefed and are ready for ASLB resolution should be included in any such order issued by the Commission.</p>	<p><u>Letter to judges from LSN Administrator to correct memorandum of LSN participants.</u></p> <p>This is to correct my memorandum of June 16th documenting the status of Licensing Support Network (LSN) participation by petitioners/potential parties to the proceeding. The Florida Public Service Commission's supplemental certification dated May 21, 2010 was inadvertently omitted from the table. As of June 16, 2010, the activity status is as represented below:</p>
Date	June 22	June 22	June 23
	<p><u>WHITE PINE COUNTY'S RESPONSE TO STATE OF NEVADA'S PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT</u></p> <p>On June 14, 2010, the State of Nevada petitioned the Commission ("Petition") to order an immediate suspension of NRC Staff's ("Staff") work on Safety Evaluation Report (SER) Volume 3 until there is a final Commission decision on DOE's March 3, 2009 motion to withdraw its license application. The Commission should reject Nevada's call for immediate suspension or termination of the Staff's SER work but should grant Nevada's request for the Commission to direct the presiding Atomic Safety and Licensing Board (CAB-04) to issue an order on each of the ten pending legal issues raised by Nevada. In addition, White Pine County believes that all legal contentions filed in this proceeding which have been briefed and are ready for ASLB resolution should be included in any such order issued by the Commission.....</p> <p>White Pine County believes that Nevada's assertion that the outcome of its legal contentions should be considered by Staff as it completes SER Volume 3 has merit. In fact, White Pine County believes that Staff should consider all legal contentions filed in this proceeding which have been briefed and are therefore ready for resolution as SER Volume 3 is com-</p>	<p><u>LINCOLN COUNTY'S RESPONSE TO STATE OF NEVADA PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT FOR YUCCA MOUNTAIN</u></p> <p>In a June 14, 2010 petition, the State of Nevada requested the Commission ("Petition") to order an immediate suspension of NRC Staff's ("Staff") work on the Yucca Mountain related Safety evaluation Report (SER) Volume 3 until such time as the Commission issues a final decision on DOE's March 3, 2009 motion to withdraw its license application. Lincoln County is responding to Nevada's Petition with the opinion that the Commission should deny Nevada's request for immediate suspension or termination of ongoing work by Staff on SER Volume 3. Further, Lincoln County believes the Commission should grant Nevada's request that the Commission issue an order directing CAB-04 to develop a brief opinion on each of the ten pending legal issues raised by Nevada.</p>	<p><u>NYE COUNTY'S RESPONSE TO STATE OF NEVADA'S PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT FOR YUCCA MOUNTAIN</u></p> <p>Nye County, Nevada ("Nye County" or "County"), the host County for the proposed Yucca Mountain repository, and a party to the above-captioned licensing proceeding, requests that the Nuclear Regulatory Commission ("NRC") deny the Petition for Relief filed by the State of Nevada ("Nevada") on June 14, 2010. Nevada asks, among other things, that NRC direct the NRC Staff not to issue Safety Evaluation Report Volume 3 ("SER"). Notwithstanding Nevada's assertions, the relief requested is (1) contrary to Nuclear Waste Policy Act ("NWPA") and the nondiscretionary duties of the NRC Staff to expeditiously proceed with development and issuance of the SERs for the Yucca Mountain project; (2) premature, given that the Construction Authorization Board ("CAB04") and the NRC have not yet finally ruled on the Department of Energy's Motion to Withdraw the License Application and (3) needlessly wasteful of substantial expenditures of taxpayer money appropriated for the independent review of</p>

	<p>pleted. Accordingly, White Pine County agrees with Nevada's request for the Commission to direct the presiding Atomic Safety and Licensing Board (CAB-04) to prepare a brief opinion on each of the ten pending legal issues raised by Nevada. In addition, White Pine County believes that all legal contentions (including Nevada's) filed in this proceeding which have been briefed and are ready for ASLB resolution should be included in any such order issued by the Commission.</p>		<p>the safety issues in this proceeding, whether or not DOE continues to prosecute the license application.For all of the above-stated reasons, Nye County respectfully asks that the Commission deny the request for relief regarding SERs as having no basis in law or fact. The NWPA and sound policy demand that NRC staff proceed with development and issuance of the publicly-funded Yucca Mountain SERs as expeditiously as possible.</p>
Date	June 24	June 24	June 24
	<p><u>CLARK COUNTY, NEVADA'S AND EUREKA COUNTY, NEVADA'S ANSWER IN SUPPORT OF STATE OF NEVADA'S PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT FOR YUCCA MOUNTAIN</u> On June 14, 2010, the State of Nevada ("Nevada"), submitted a Petition for Relief with Respect to Possible Issuance of a Partial Safety Evaluation Report for Yucca Mountain ("Nevada's Petition"). Clark County, Nevada and Eureka County, Nevada ("the Counties") hereby submit this Answer in Support of Nevada's Petition.</p>	<p><u>NRC STAFF RESPONSE TO STATE OF NEVADA PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF PARTIAL SAFETY EVALUATION REPORT</u> ...Although the Staff is of the view that Nevada's request for suspension is not warranted and request for permanent cessation and alternative relief is not necessary, the Staff will comply with any direction it receives from the Commission regarding issuance of SER volumes. The Staff will keep the Board and Commission informed regarding its SER schedule.</p>	<p><u>OPPOSITION OF THE NUCLEAR ENERGY INSTITUTE TO NEVADA PETITION FOR RELIEF WITH RESPECT TO COMPLETION OF THE SAFETY EVALUATION REPORT</u> ...Nevada suggests (Petition, at 2) that completion and issuance of SER Volume 3 "is a really bad idea." Nevada has completely failed to support that view. And, if the appropriate standard for assessing the Petition were to be whether or not completion and issuance of the SER is a good idea or a bad one, then the Petition should be denied. Given the current procedural context of this matter, given the likelihood of future Congressional and judicial action with respect to the Yucca Mountain project, given the resources that have been spent to date, and given the ability of the NRC Staff's review to contribute to the ongoing discussion of the important issue of geologic disposal of spent nuclear fuel, completion and issuance of the SER Volume 3 is clearly a good idea.</p>
	June 24		
	<p><u>JOINT ANSWER IN SUPPORT OF THE STATE OF NEVADA'S PETITION FOR RELIEF WITH RESPECT TO POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT FOR YUCCA MOUNTAIN</u> The Joint Timbisha Shoshone Tribal Group (JTS), the County of Inyo, and the Native Community Action Council (NCAC) join with and support the State of Nevada's Petition for Relief With Respect to Possible Issuance of a Partial Safety Evaluation Report for Yucca Mountain. Should the Department of Energy's (DOE) motion to withdraw its license application be granted, JTS, the County of Inyo, and NCAC too will be prejudiced by NRC Staff's preparation of a safety evaluation report (SER) that will not be subject to the scrutiny concomitant with an adjudicatory hearing process. As explained at length in Nevada's petition, the risk is too great that parties—those participating and not participating in these proceedings— will rely on a report that does not accurately outline the safety issues associated with constructing the repository at Yucca Mountain.</p>		

