

January 8, 2010

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High-Level Waste Repository)

Docket No. 63-001-HLW

ASLBP Nos. 09-892-HLW-CAB04

**NOTIFICATION OF LEAD PARTY FOR CONSOLIDATED CONTENTIONS
NEV-SAFETY-205 AND CLK-SAFETY-013**

Pursuant to the Memorandum and Order (Addressing Contentions Filed After Initial Petitions) issued by CAB-04 on December 9, 2009 (“December 9 Order”), Clark County, Nevada (“Clark County”) and the State of Nevada (“Nevada”) (together, “the Parties”) hereby submit this joint notification to inform the Board of the Parties’ designation of lead party for consolidated contentions NEV-SAFETY-205 and CLK-SAFETY-013.¹

The December 9 Order set forth the CAB-04’s rulings on the admissibility of contentions filed after the original petitions. Among the contentions ruled upon were NEV-SAFETY-205 and CLK-SAFETY-013, which address problems with DOE’s Probabilistic Volcanic Hazardous Analysis – Update (“PVHA-U”). The December 9 Order admitted and consolidated the two contentions, finding that the two were functionally equivalent. The December 9 Order also directed Nevada and Clark County to inform the Board by January 8, 2010 which party will be designated as lead for the consolidated contentions. The Parties have reached agreement on the

¹ Nevada has authorized Clark County to state that Nevada joins in this filing.

terms of joint prosecution and have designated Clark County as lead, with Nevada participating to the fullest extent permitted by the CAB for a non-lead party.² It is the Parties' understanding that NEV-SAFETY-205 and CLK-SAFETY-013 need not be rewritten as a single contention at this time, consistent with the CAB-04's directive in its December 30 Order in which the CAB determined that the contentions consolidated by that order need not be rewritten during the discovery phase of the proceeding.³

Respectfully submitted,

/s/ filed electronically_____

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² By Order issued by CAB-04 on December 30, 2009 ("December 30 Order"), CAB-04 accepted a joint proposal to consolidate contentions of Clark County, Nevada, State of Nevada, and Inyo County, California, which consolidated NEVADA-SAFETY-150 through -152 and NEVADA-SAFETY-154 through -158 with CLK-SAFETY-003 through -005 and CLK-SAFETY-007 through -011, respectively, and to consolidate NEV-SAFETY-153, CLK-SAFETY-006 and INY-SAFETY-003, resulting in a total of nine consolidated contentions for which Clark County would be lead party. The designation in this notice is consistent with the joint proposal accepted by the December 30 Order, and will result in a total of ten consolidated volcanism contentions for which Clark County is lead.

³ December 30 Order at 2.

January 8, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

In the Matter of U.S. DEPARTMENT OF ENERGY (High-Level Waste Repository)	Docket No. 63-001-HLW ASLBP BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chairman Paul S. Ryerson Richard E. Wardwell
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Notification of Lead Party for Consolidated Contentions NEV-SAFETY-205 and CLK-Safety-013 have been served on the following persons this 8th day of January, 2010 by Electronic Information Exchange.

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