

September 2009
High-level Waste Hearings
Summary Table

High-Level Waste hearing

Request for Additional Information table (RAI's) [here](#)

ORDERS Electronic Hearing Docket Board Orders for Sept (CAB01, CAB02, CAB03)

| Date | Sept 23 | Sept 28 | |
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| | <p>JOINT SUBMISSION OF PROPOSED CASE MANAGEMENT ORDER #2</p> <p>At the Prehearing Conference conducted by Construction Authorization Board-04 (CAB-04) on September 14, 2009, the Board directed the parties to this proceeding to meet and confer in order to develop a proposed case management order for Phase I of this proceeding and to file the same with the Board on or before September 23, 2009. In accordance with the Board's direction, counsel for all the parties and both IGPs met on September 14-15, 2009, at the Las Vegas Hearing Facility (and by videoconference), secured additional direction from the Board on September 15, 2009, conferred by telephone and email extensively thereafter, and collectively participated in the development of proposed Case Management Order #2. The undersigned counsel has been authorized to represent to this Board that all the parties and both IGPs unanimously concur with proposed Case Management Order #2.</p> <p>The parties respectfully request the Board to schedule discovery for Phase I of this proceeding to begin on or about October 1, 2009 (see Paragraph A of proposed Case Management Order #2). The parties also respectfully request the Board to reconsider its preliminary decision contained in its Memorandum and Order dated August 25, 2009 (slip op. at 3) regarding entry on land (see Paragraph C.4 of proposed Case Management Order #2). Finally, the parties respectfully request the Board to identify a telephone number (see Paragraph D of proposed Case Management Order #2) that could be utilized by counsel to contact the Board if necessary to resolve disputes that may arise during discovery for Phase I of this proceeding.</p> | <p>TRANSCRIPT OF PROCEEDINGS Pre-Hearing Conference Before the Administrative Judges CAB-04</p> | |

MOTIONS AND PLEADINGS

| Date | Sept 10 | Sept 10 | Sept 10 |
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| | <p>DIFFERING VIEWS OF THE NRC STAFF TO THE RESPONSE OF THE STATE OF NEVADA TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009 INTRODUCTION</p> <p>On August 25, 2009, Construction Authorization Board 04 ("the Board") issued an order concerning the prehearing conference scheduled for September 14 and 15. "Memorandum and Order (Concerning Further Prehearing Conference)," August 25, 2009 ("Order"). The Order included a number of issues on which the parties should consult and seek agreement prior to the prehearing conference. Pursuant to the Order, the parties consulted and Nevada filed the "Response of the State of Nevada to Memorandum and Order Dated August 25, 2009 (Concerning Further Prehearing Conference)" ("Nevada Response") on September 10, 2009. The NRC staff ("Staff") hereby files its differing views on the Nevada Response.</p> | <p>NYE COUNTY SUPPLEMENTAL AND DIFFERING VIEWS IN RESPONSE TO CAB AUGUST 25, 2009 MEMORANDUM AND ORDER</p> | <p>RESPONSE OF THE STATE OF NEVADA TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009 (CONCERNING FURTHER PREHEARING CONFERENCE)</p> |
| Date | Sept 10 | Sept 10 | Sept 11 |
| | <p>STATE OF CALIFORNIA'S JOINDER WITH NEVADA'S "RESPONSE TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009 (CONCERNING FURTHER PREHEARING CONFERENCE)"</p> <p>The State of California hereby joins the State of Nevada's September 10, 2009, "Response to Memorandum and Order Dated August 25, 2009 (Concerning Further Prehearing Conference)." California affirms its support for scheduling "Option 2" as described on page 5 of Nevada's Response. The Board should consider California to be a "Joining Party" as that term is used throughout Nevada's Response, with the following exception: California is not a Joining Party with respect to the response to Board Questions 4 and 5, and its position is correctly stated in Nevada's Response.</p> | <p>THE FOUR NEVADA COUNTIES OF CHURCHILL, ESMERALDA, LANDER AND MINERAL RESPONSE TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009</p> <p>In accordance with the Board's August 25, 2009 Memorandum and Order, the Four Nevada Counties of Churchill, Esmeralda, Lander and Mineral (the Four Counties) offer the following response to the twenty-three questions posed by the Board. The Four Counties have made a good faith effort to consult and reach an agreement with all of the Parties to the proceeding before filing this Response.</p> | <p>DEPARTMENT OF ENERGY AND NUCLEAR ENERGY INSTITUTE RESPONSE TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009 (CONCERNING FURTHER PREHEARING CONFERENCE)</p> |
| Date | Sept 11 | Sept 11 continued | Sept 11 |
| | <p>JTS JOINDER WITH NEVADA'S "RESPONSE TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009 (CONCERNING FURTHER PREHEARING CONFERENCE)"</p> <p>JTS hereby joins the State of Nevada's September 10, 2009, "Response to Memorandum and Order Dated August 25, 2009 (Concerning Further Pre-</p> | <p>(Continued from column 1) close in or around November 2010. (See Nevada's Response at p. 3.) JTS further proposes that if SER Volume 4, when issued in or around December 2010, contains additional facts or information that materially bear on any one or all of the four contentions identified above, JTS should be permitted to propose to the CABs at that</p> | <p>NRC STAFF ANSWER TO THE STATE OF NEVADA'S MOTION FOR LEAVE TO FILE NEW CONTENTION AND PROPOSED CONTENTION NEVADA SAFETY 206 INTRODUCTION Pursuant to 10 C.F.R. § 2.309(h)(1) and the "[Construction Authorization Board] Case Management</p> |

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| | <p>hearing Conference).” JTS affirms its support for scheduling “Option 2” as described on page 5 of Nevada’s Response. The Board should consider JTS to be a “Joining Party” as that term is used throughout Nevada’s Response, with the following addition: As stated at pages 6-7 in the Joint Response To July 21, 2009 Order (Concerning Serial Case Management), JTS believes that at least four of its contentions, JTSNEPA- 001, JTS-NEPA-007, JTS-NEPA-008, and JTS-NEPA-009, potentially fall within two categories of the SER, volumes 3 and 4. Volume 4 of the SER will address, among other things, Native American cultural activities. (See NRC Staff Answer to the CAB’s July 21, 2009 Order Concerning Serial Case Management, identifying Vol. 4 of the SER as addressing SAR Chapter 5, sections 5.1-5.9.). JTS agrees that its contentions falling within more than one SER do, in fact, address NEPA issues, and may be categorized as falling within Volume 3 of the SER. JTS therefore agrees that discovery of the four contentions identified above many commence with discovery of the other contentions associated with Volume 3. That discovery is proposed to (continued next column)</p> | <p>time that any such contention(s) be removed from the discovery and hearing track for contentions associated with Volume 3 and instead be placed on the discovery and hearing track for contentions associated with SER Volume 4.</p> | <p>Order #1,” dated January 29, 2009 (CMO # 1) (unpublished) at 4, the staff of the U.S. Nuclear Regulatory Commission (Staff) hereby files its answer to the “State of Nevada’s Motion for Leave to File New Contention Based on Newly Available Information” (Motion), and proposed contention NEV-SAFETY-206 (attached to the Motion as Exhibit A), filed August 24, 2009. For the reasons set forth below, the Staff does not oppose Nevada’s motion for leave to file proposed contention NEV-SAFETY-206, and does not object to the admission of the proposed contention.</p> |
| <p>Date</p> | <p>Sept 11</p> | <p>Sept 18</p> | <p>Sept 22</p> |
| | <p>COUNTY OF INYO’S JOINDER WITH NEVADA’S “RESPONSE TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009 (CONCERNING FURTHER PREHEARING CONFERENCE)” The County of Inyo hereby joins the State of Nevada’s September 10, 2009, “Response to Memorandum and Order Dated August 25, 2009 (Concerning Further Prehearing Conference).” The County affirms its support for scheduling “Option 2” as described on page 5 of Nevada’s Response. The Board should consider the County of Inyo to be a “Joining Party” as that term is used throughout Nevada’s Response.</p> | <p>U.S. DEPARTMENT OF ENERGY’S ANSWER OPPOSING STATE OF NEVADA’S MOTION FOR LEAVE TO FILE A NEW CORROSION CONTENTION The U.S. Department of Energy (DOE) opposes the State of Nevada’s Motion of August 24, 2009 to file a new corrosion-related contention entitled “NEV-SAFETY-206-Inadequate DOE Weight Loss Measurements for General Corrosion Testing of Alloy-22.” Nevada’s Motion is based on information that was publicly available long ago. Therefore, Nevada’s Motion is neither timely, nor made with the requisite “good cause” for a non-timely filing, contrary to 10 C.F.R. §§ 2.309(f)(2) and (c)(1).</p> | <p>MOTION for license of 300 year SNF disposal solution Peterson moves that the Atomic Safety and Licensing Board find that building four or five 300-year type SNF storage facilities would immediately fix the SNF problem for the utilities, could be built sooner and cost less than the cost of finishing YM, and give the U.S. time to scale up the 5-9s process.</p> |

| Date | Sept 28 | | |
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| | <p>Pursuant to 10 C.F.R. § 2.323, the County of Inyo and the Joint Timbisha Shoshone Tribal Group request that the Construction Authorization Board (CAB04) withdraw two groundwater-based safety contentions (INY-SAFETY-001 and INY-SAFETY-002) and one groundwater-based NEPA contention (JTS-NEPA-004) from discovery during Phase I and to order that such contentions be litigated together with the other groundwater-based NEPA contentions in the next phase of these proceedings.</p> | | |