



Yucca Mountain Repository Assessment Office

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County of Inyo

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INYO COUNTY AND OTHER ENTITIES ALLOWED TO INTERVENE IN YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY LICENSING PROCEEDINGS

In December 2008, the County filed a petition to intervene as a party in the licensing proceedings before the Nuclear Regulatory Commission (“NRC”) which will decide whether or not to grant the Department of Energy’s (DOE) a license to construct a high level nuclear waste repository at Yucca Mountain, Nevada. Eleven other petitions to intervene were filed by other entities including the States of Nevada and California, several Nevada counties, and the Timbisha Shoshone Tribe.

A total of 318 “contentions” were presented in the twelve petitions. (Nevada’s petition alone contained 229 contentions.) The contentions allege that DOE’s license application is not in compliance with applicable safety laws and regulations or they challenge the legal adequacy of environmental impact statements prepared by DOE that address the impacts of the repository and its associated railroad. DOE challenged the admissibility of all 318 contentions on procedural grounds and has asked the NRC to dismiss all of the petitions to intervene.

The NRC established three construction authorization boards (“CABs”) each comprised of three individuals to determine the admissibility of the contentions. In an order released on May 11, 2009, the CABs granted eight of the eleven petitions to intervene (including Inyo County’s petition) and found that 299 contentions are admissible. (11 of 12 of Inyo County’s contentions were found to be admissible and 22 of the State of California’s 24 contentions were deemed admissible.)

Under the order, Nevada, California, the Nuclear Energy Institute, Clark, Nye, White Pine and Inyo Counties are now parties to the licensing proceeding, and Churchill, Esmeralda, Lander and Mineral counties as a group are collectively a party. Eureka and Lincoln counties in Nevada were named interested governmental participants. The petition of Caliente Hot Springs Resort was denied. The Timbisha Shoshone Tribe, the tribe’s Yucca Mountain Oversight Program and the Native Community Action Council were denied party status--at least for now.

The petitioners and the DOE have until May 20th to appeal the decisions of the hearing boards to the full Nuclear Regulatory Commission. A schedule for conducting pre-hearing litigation activities is expected to be released by the CABs in June or July and the pre-hearing litigation activities are expected to commence this summer. Hearings on the petitioners may commence in 2010.

Of the County’s 12 contentions, 5 allege that DOE’s license application does not satisfy the applicable safety, security, and technical standards, and 7 allege that the applicable requirements of the National Environmental Policy Act have not been met. Two of the County’s contentions are “joint” contentions

filed together with Nye, Churchill, Esmeralda, Lander and Mineral Counties in Nevada. Nye County is the “sponsor” of these two contentions. One of the joint contentions was deemed inadmissible.

The following is a summary of Inyo County’s contentions:

- Contentions 1 and 2 (a license contention and a NEPA contention) concern the failure of the license application and the EIS to adequately address the potential transport of radionuclides through the lower carbonate regional aquifer that underlies the proposed repository and that discharges water at springs in Inyo County in Death Valley National Park.
- Contentions 3 and 4 (a license contention and a NEPA contention) concern the failure of the license application and the EIS to adequately address the cumulative impacts of groundwater pumping in the region of the proposed repository on the upward hydraulic gradient in aquifers that underlie the proposed repository. (DOE acknowledges that the upward gradient acts as a barrier to radionuclides entering the lower carbonate aquifer. A loss of the upward gradient could facilitate radioactive materials entering the regional aquifer system and into Inyo County.)
- Contention 5 (a NEPA contention) focuses on the EIS’s failure to adequately address the repository’s potential impact on the volcanic/alluvial aquifer that extends from under the proposed repository to Franklin Lake Playa and other areas within Inyo County.
- Contentions 6 and 7 (both NEPA contentions) concern the failure of the EIS to adequately address the potential for radionuclides from the repository to travel through groundwater and to surface at Franklin Lake Playa and other locations and the EIS’s failure to assess the nature and extent of mitigation and remediation measures that will be necessary if radionuclides surface at Franklin Lake Playa.
- Contentions 8 and 9 (a license contention and a NEPA contention) concern the failure of the license application and the EIS to adequately describe the volcanic field in the Greenwater Mountain Range in Inyo County and to adequately assess the potential for igneous intrusion of the repository. (The volcanic field in the Greenwater Range is within 30 miles of the repository, may be a part of the same volcanic field in which the repository is located, and volcanic events in the Greenwater Range may indicate that igneous intrusion of the repository is more likely than projected by DOE.)
- Contention 10 (a NEPA contention) focuses on the EIS’s failure to analyze the socioeconomic impacts of the repository in Inyo County.
- Contention 11 is a joint license contention with the Nevada counties, which focuses on the failure of the license application to include the National Incident Management System in Safety Analysis Report. (This contention was deemed inadmissible.)
- Contention 12 is a joint license contention with the Nevada counties, which contends that the license application lacks any basis for excluding the possibility of aircraft crashes into the repository site during the pre-closure period.

Should you have any questions, please contact Alisa Lembke at the Inyo County Yucca Mountain Repository Assessment Office at (760) 878-0030.