



OFFICE OF THE GOVERNOR
AGENCY FOR NUCLEAR PROJECTS
1761 E. College Parkway, Suite 118
Carson City, Nevada 89706
Telephone: (775) 687-3744 • Fax: (775) 687-5277
E-mail: nwpo@nuc.state.nv.us

State of Nevada files Five New Contentions

Nevada has filed five new contentions in the Yucca Mountain Licensing Proceeding, since its original Petition to Intervene (along with 229 contentions) was filed on December 19, 2008. Of those original 229 contentions, 222 were admitted in the proceeding by the NRC. No ruling on the admissibility of the five new contentions has yet been made. They are designated NEV-SAFETY-202 through NEV-SAFETY-206.

Of the five new contentions, two are based upon DOE's February 19, 2009 LA Update No. 1 (its only LA Update); two are based on the March 13, 2009 publication by the NRC of its new Final Rule 10 C.F.R. 63, regarding its Yucca Mountain licensing standards; and the final one is based on newly released information by DOE, corrosion analysis data made available July 31, 2009.

NEV-SAFETY-202 criticizes DOE's failure to use either FEP analyses or TSPA models to estimate net infiltration in the period from 10,000 years to 1,000,000 years, and DOE's reliance on deep percolation flux estimated by NRC in its proposed rule, instead of that used by NRC in its final rule, which is **different**.

NEV-SAFETY-203 cites the failure of DOE to consider the effect of erosion of Yucca Mountain in the period from 10,000 years to 1,000,000 years, a time during which it is expected erosion may actually decimate the surface all the way down to the location of the waste containers themselves, resulting in **no** "deep geologic" disposal at all; even a lesser amount of erosion will grossly alter the amount of water infiltration and seepage to the waste container and speed the corrosion process.

NEV-SAFETY-204 and 205 both relate to a new Probabilistic Volcanic Hazard Analysis-Update (PVHA-U) included by DOE in its LA Update No. 1, replacing a similar study done in 1996. Contention 204 criticizes DOE's so-called "expert elicitation" method, with DOE using hired experts rather than empirical data to support its conclusions regarding the likelihood of future volcanoes affecting Yucca Mountain. Contention 205

focus on DOE's improper calculation and models of future volcanism probabilities, due to its inadequate consideration of available volcanism information.

NEV-SAFETY-206 addresses improper techniques used by DOE in measuring Alloy-22 corrosion, which have resulted in the recent discovery by DOE of unidentified and unexpected organic residues contaminating its Alloy-22 corrosion testing samples and discrediting its experiments.