

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

09-892-HLW-CAB04  
Thomas S. Moore, Chairman  
Paul S. Ryerson  
Richard E. Wardwell

_____ )	March 26, 2010
In the Matter of : )	
U.S. Department of Energy ) Docket No. 63-001 )	
(High Level Waste Repository Construction )	Docket No. 63-001-HLW
Authorization Application) )	
_____ )	

**NYE COUNTY ANSWERS TO THE PETITIONS TO INTERVENE  
FILED BY THE STATE OF SOUTH CAROLINA, STATE OF  
WASHINGTON, AIKEN COUNTY, SOUTH CAROLINA, THE  
NATIONAL ASSOCIATION OF REGULATORY UTILITY  
COMMISSIONERS, AND THE PRAIRIE ISLAND INDIAN  
COMMUNITY**

In accordance with the recent Construction Authorization Board 04's (CAB) Scheduling Orders dated March 5 and 16, 2010, Nye County, Nevada, hereby submits its Answer to the Petitions to Intervene<sup>1</sup> filed by the State of South Carolina, the State of Washington, Aiken County, South Carolina, The National Association of Regulatory Utility Commissioners, and the Prairie Island Indian Community [hereinafter "Five Additional Petitioners"]. Nye County, Nevada is the local governmental body in which the proposed Yucca Mountain repository is wholly located, and as such intervened in this proceeding as a matter of right under 10 CFR §2.309(d)(2)(iii).

<sup>1</sup> Petition of the State of South Carolina to Intervene (February 26, 2010); State of Washington's Petition For Leave To Intervene and Request for Hearing (March 3, 2010); Petition of Aiken County, South Carolina (March 4, 2010); National Association of Regulatory Utility Commissioners Petition to Intervene (March 15, 2010), and the Petition to Intervene of the Prairie Island Indian Community (March 16, 2010).

From the outset, Nye County has clearly stated that its primary interest in this proceeding is protecting the health and safety of its residents. Provided that the concerns raised by Nye County in its contentions are addressed and satisfied by NRC's inclusion of appropriate conditions on construction authorization, Nye County believes that the repository could be constructed and operated safely and in a manner which adequately protects the residents of Nye County and the public from radiological releases and exposures.

During consultation with counsel for the Five Additional Petitioners, Nye County's legal representatives have stated that Nye County does not oppose the Petitions to Intervene. Nye County supports the intervention of these parties who have demonstrated standing and a stake in this proceeding, and have met the requirements of 10 C.F.R. §§ 2.309(a) through (g). By granting intervention, the CAB assures that all perspectives are considered as it determines whether to grant, deny, or condition DOE's Motion to Withdraw in this licensing proceeding which has major implications for national nuclear policy. For the reasons stated in the Five Additional Petitioners' filings in response to the requirements of 10 C.F.R. §§ 2.309(a)-(g),

which responses are incorporated herein by reference, Nye County supports the late intervention of each of the Five Additional Petitioners in this proceeding.<sup>2</sup>

Respectfully Submitted,

*Signed electronically*

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**Counsel for Nye County, Nevada**

March 26, 2009

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<sup>2</sup> Unlike the other Five Additional Petitioners, Aiken, South Carolina, did not separately address the requirements of 10 C.F.R. §§ 2.309(a)-(g) in its petition, but rather incorporated the State of South Carolina's petition by reference.