

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	Docket No. PAPO-00, PAPO-001
)	
U.S. Department of Energy)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository: Pre-License Application Matters))	ASLBP No. 08-861-01-PAPO-BD01
)	

**Comments of Nevada Counties of Churchill,
Esmeralda, Lander and Mineral**

INTRODUCTION

In its August 13, 2008 memorandum and order, the Commission granted, in part, a request by the State of Nevada for an extension of time within which to submit a petition to intervene in any proceeding on the United States Department of Energy (DOE) application for authorization to construct a geologic repository for high-level nuclear waste (HLW) at Yucca Mountain, Nevada. See CLI-08-18, 68 NRC , (slip op. at 5) (Aug. 13, 2008). Specifically, the Commission granted a 30-day extension of time (amounting to a total of 60 days) for filing a petition to intervene and request for hearing, or a petition for status as an interested government participant. *Id.* at ___ (slip op. at 5). Additionally, the Commission proposed to extend the deadlines for various HLW construction authorization proceeding activities governed by the schedule in 10 C.F.R. Part 2, Appendix D, including: (1) conducting the First Prehearing Conference, and issuing the First Prehearing Conference Order; (2) filing answers to hearing petitions; and (3) filing responses to answers to hearing petitions. *Id.* at (slip op. at 5-6). In its ruling, the Commission also requested that the Atomic Safety and Licensing Board Panel “provide comments on the reasonableness of the current and proposed time frames,” and provided that any potential party who is participating in the ongoing matter may provide comments to the proposed extensions within ten (10) days of the Commission’s Order. *Id.* at (slip op. at 6).

COMMENTS

Pursuant to the Commission’s Order, we provide the following comments to the proposed extensions:

1. We believe that the Commission was reasonable in extending the time period for filing either a petition to intervene and request for hearing, or a petition for status as an interested government participant. CLI-08-18, 68 NRC at __ (slip op. at 5). As such, we have no objection to the 30-day extension granted by the Commission in its August 13th Order. *Id.*

2. Given the numerous contentions that are anticipated to be filed in this proceeding, and the quality and complexity of those contentions, we believe that the Commission's proposed 25-day extension (50-day total time) for filing Answers to proposed contentions and the 7-day extension (14-day total time) in filing Replies to Answers to proposed contentions are warranted and essential for the parties to craft well-reasoned Answers and Replies to the numerous anticipated contentions. Although additional time for filing answers and responses to answers might be helpful to the proposed parties, we believe that it can respond to Answers filed regarding our proposed contentions within the time-frame set for in the Commission's August 13th Order.

Date: August 29, 2008

Respectfully Submitted,

Armstrong Teasdale LLP

By: 

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)	
U. S. DEPARTMENT OF ENERGY)	ASLBP No. 04-829-01-PAPO
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing NEVADA COUNTIES OF CHURCHILL, ESMERALDA, LANDER AND MINERAL Comments regarding the Commission Memorandum and Order dated August 13, 2008 have been served via the Nuclear Regulatory Commission's Electronic Information Exchange (EIE) upon those on the Service List maintained by the EIE for the above-captioned proceeding.

August 29, 2008

Respectfully Submitted,

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