

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

U.S. DEPARTMENT OF ENERGY

(License Application for Geologic Repository
at Yucca Mountain)

Docket No. 63-001-HLW

ASLBP Nos. 09-892-HLW-CAB-04

June 30, 2009

**JOINT TIMBISHA SHOSHONE TRIBAL GROUP'S
CERTIFICATION OF LSN SUPPLEMENTATION**

In its Revised Second Case Management Order, the Pre-License Application Presiding Officer (“PAPO”) Board required that each potential party certify on a monthly basis—on or before the first of each month—that it has supplemented its submissions to the Licensing Support Network (“LSN”) with any additional Documentary Material discovered or created after its initial certification. *See* REVISED SECOND CASE MANAGEMENT ORDER, July 6, 2007, at 21.

On April 22, 2009, the Atomic Safety and Licensing Boards, Construction Authorization Boards 01, 02 and 03 (the “CABs”), issued an Order Accepting Joint Representation of Timbisha Shoshone Tribe (the “Order”). *See* April 22, 2009 ORDER. With the Order, the CABs recognized “the Joint Shoshone Tribal Group (JTS) as an entity requesting intervention in this proceeding.” *Id.*, at 1. JTS is comprised of the two entities who earlier had filed Petitions to Intervene on behalf of the Timbisha Shoshone Tribe—Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation (“TOP”) and that entity identified in earlier pleadings as TIM. The CABs explained in the Order that “TIM and TOP should proceed henceforth together as a single petitioner known as JTS.” *Id.*

In its May 11, 2009, Memorandum and Order identifying participants and contentions in this proceeding, the CABs concluded that JTS had standing and had alleged at least one admissible contention. *See* May 11, 2009 ORDER. However, the CABs explained that the predecessors of JTS—TOP and TIM—had not demonstrated substantial and timely compliance with their LSN obligations pursuant to 10 C.F.R. § 2.102(b)(1). *Id.*, at 93. It explained further that JTS nonetheless could demonstrate “subsequent compliance pursuant to section 2.1012(b)(2).” *Id.*

On June 25, 2009, JTS made its initial certification in subsequent compliance with LSN obligations pursuant to section 2.1012(b)(2). The certification of LSN supplementation of its LSN coordinator, Ms. Loreen Pitchford, is attached to this filing.

Respectfully submitted,

(signed electronically)

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CERTIFICATION OF LSN SUPPLEMENTATION**

As the official responsible for the administration of the Joint Timbisha Shoshone Tribal Group's ("JTS") duty to duly supplement the JTS collection of documentary material, I hereby certify that, pursuant to procedures established under 10 C.F.R. § 2.1009(a)(2), and the Revised Second Case Management Order (Pre-License Application Phase Document Discovery and Dispute Resolution) (July 6, 2007) ("Revised Second CMO") (unpublished) at 21, to the best of my knowledge, documentary material specified in 10 C.F.R. § 2.1003 has been identified and made available in accordance with the requirements of 10 C.F.R. § 2.1011(b)(2). This supplemental certification covers documentary material identified and made available on behalf of the JTS via the Licensing Support Network for the month of June 2009.

Respectfully submitted this 30th day of June 2009,

(signed electronically)

Loreen Pitchford, LSN Coordinator
Joint Timbisha Shoshone Tribal Group

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June 30, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the *Joint Timbisha Shoshone Tribal Group's Certification of LSN Supplementation* in the above-captioned proceeding have been served on the following persons this 30th day of June 2009, by Electronic Information Exchange.

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