

**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

September 11, 2009

**JTS JOINDER WITH NEVADA'S
"RESPONSE TO MEMORANDUM AND ORDER DATED AUGUST 25, 2009
(CONCERNING FURTHER PREHEARING CONFERENCE)"**

JTS hereby joins the State of Nevada's September 10, 2009, "Response to Memorandum and Order Dated August 25, 2009 (Concerning Further Prehearing Conference)." JTS affirms its support for scheduling "Option 2" as described on page 5 of Nevada's Response. The Board should consider JTS to be a "Joining Party" as that term is used throughout Nevada's Response, with the following addition: As stated at pages 6-7 in the Joint Response To July 21, 2009 Order (Concerning Serial Case Management), JTS believes that at least four of its contentions, JTS-NEPA-001, JTS-NEPA-007, JTS-NEPA-008, and JTS-NEPA-009, potentially fall within two categories of the SER, volumes 3 and 4. Volume 4 of the SER will address, among other things, Native American cultural activities. (*See* NRC Staff Answer to the CAB's July 21, 2009 Order Concerning Serial Case Management, identifying Vol. 4 of the SER as addressing SAR Chapter 5, sections 5.1-5.9.). JTS agrees that its contentions falling within more than one SER do, in fact, address NEPA issues, and may be categorized as falling within Volume 3 of the SER. JTS therefore agrees that discovery of the four contentions identified above may commence with discovery of the other contentions associated with Volume 3. That discovery is proposed to

close in or around November 2010. (*See Nevada's Response at p. 3.*) JTS further proposes that if SER Volume 4, when issued in or around December 2010, contains additional facts or information that materially bear on any one or all of the four contentions identified above, JTS should be permitted to propose to the CABs at that time that any such contention(s) be removed from the discovery and hearing track for contentions associated with Volume 3 and instead be placed on the discovery and hearing track for contentions associated with SER Volume 4.

Respectfully submitted,

(signed electronically)

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CERTIFICATE OF SERVICE

I hereby certify that copies of the *JTS Joinder with Nevada's "Response to Memorandum and Order Dated August 25, 2009 (Concerning Further Prehearing Conference)"* in the above-captioned proceeding have been served on the following persons this 11th day of September 2009, by Electronic Information Exchange.

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