

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Atomic Safety and Licensing Board**

**Before Administrative Judges:**

ASLBP BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chairman Paul S. Ryerson Richard E. Wardwell
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<b>In the Matter of</b>	)	
	)	
<b>U.S. DEPARTMENT OF ENERGY</b>	)	<b>Docket No. 63-001-HLW</b>
	)	
<b>(High Level Waste Repository)</b>	)	<b>October 13, 2009</b>

**STATE OF NEVADA'S IDENTIFICATION  
OF CONTENTIONS FOR CONSOLIDATION**

In accordance with paragraph B.2 of Case Management Order #2, entered by CAB-04 on September 30, 2009, the State of Nevada ("Nevada") proposes that its contentions NEV-SAFETY-146 and NEV-SAFETY-201 be consolidated for litigation in Phase 1 of this licensing proceeding.

1. In support of its proposal, Nevada shows that both of the proposed consolidated contentions address matters relating to SER Volume 3, and are accordingly appropriate for consideration in Phase I of this proceeding.
2. Nevada notes that both of the contentions proposed for consolidation were admitted in this proceeding in accordance with the Board's May 11, 2009 Memorandum and Order.
3. Nevada further shows that both NEV-SAFETY-146 and NEV-SAFETY-201 were assigned by the May 11 Board Order to CAB-03.

4. Nevada would finally point out that the subject matter of the two contentions is the same.

5. In order to preserve the identity of the proposed consolidated contentions, Nevada requests that the consolidated contentions be denominated "Consolidated Contentions NEV-SAFETY-146/NEV-SAFETY-201." Nevada will be the lead party responsible for these consolidated contentions.

Respectfully submitted,

*(signed electronically)*

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Dated: October 13, 2009

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing State of Nevada's Identification of Contentions for Consolidation has been served upon the following persons by the Electronic Information Exchange:

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