

**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

In the Matter of U.S. DEPARTMENT OF ENERGY (High Level Waste Repository)	Docket No. 63-001-HLW January 4, 2010
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**CLARK COUNTY, NEVADA’S CERTIFICATION OF
NO ADDITIONAL OTHER WITNESSES**

Pursuant to Section C.1 of “CAB Case Management Order #2” (“CMO #2”) issued on September 30, 2009, Clark County, Nevada (“Clark County”) hereby submits this Certification of No Additional Other Witnesses. Fourteen (14) of Clark County’s contentions have been admitted to the proceeding.¹ Eleven (11) of Clark County’s admitted contentions are identified in CMO #2 and an Order issued on December 9, 2009 as being associated with Phase I discovery.² CMO #2 required the parties to identify any witness that it intends to depose if that witness was not previously identified as a “Party Witness” in Phase I discovery within 30 days of opening discovery (“Other Witnesses”).³ Every 60 days thereafter, CMO #2 requires the parties to update the witness disclosures or provide a certification that “no additional Other Witnesses

¹ See Memorandum and Order (Identifying Participants and Admitted Contentions), at Attachment A (May 11, 2009) (admitting CLK-SAFETY-002 through 011 and CLK-NEPA-001 through 003); Memorandum and Order (Addressing Contentions Filed After Initial Petitions), at 9 and 14 (December 9, 2009) (admitting CLK-SAFETY-013).

² See CMO #2 at “Appendix to Case Management Order”; Memorandum and Order (December 9, 2009), at 14.

³ See CMO #2, at 6.

have been identified.”⁴ On November 2, 2009, Clark County identified Other Witnesses associated with its Phase I discovery contentions.⁵ Now, 60 days later, Clark County hereby certifies that no additional Other Witnesses have been identified.⁶

Respectfully submitted,

/s/ filed electronically _____

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⁴ *See id.*

⁵ *See* Clark County, Nevada’s Identification of Other Witnesses (November 2, 2009).

⁶ On October 13, 2009, Clark County, the State of Nevada and Inyo County, California filed a joint proposal to consolidate certain contentions pertaining to igneous activity. CAB04 recently accepted this proposal in its Order Concerning Contention Consolidation and Groupings issued on December 30, 2009. Pursuant to the proposal and Order, counsel for Inyo County has authorized counsel for Clark County to state that Inyo County joins in this certification of no additional Other Witnesses for INY-SAFETY-003. The State of Nevada will file its disclosure and/or certification regarding its Other Witnesses separately.

January 4, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

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

I hereby certify that copies of the foregoing Certification of No Additional Other Witnesses have been served on the following persons this 4th day of January, 2010 by Electronic Information Exchange.

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