

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:**

**09-892-HLW-CAB04
Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell**

In the Matter of :)	
)	
U.S. Department of Energy))	Docket No. 63-001
(High Level Waste Repository Construction)	Docket No. 63-001-HLW
Authorization Application))	
)	

**NYE COUNTY ANSWERS TO THE PETITIONS TO
INTERVENE FILED BY THE NATIONAL ASSOCIATION OF
REGULATORY UTILITY COMMISSIONERS, AND THE
PRAIRIE ISLAND INDIAN COMMUNITY**

In accordance with the recent Construction Authorization Board 04's (CAB) April 27, 2010 Order Setting Briefing Schedule, Nye County, Nevada (Nye County), hereby submits its Answer to the Petitions to Intervene filed by The National Association of Regulatory Utility Commissioners, and the Prairie Island Indian Community ("Additional Petitioners").¹ Nye County is the local governmental body in which the proposed Yucca Mountain repository is wholly located, and as such intervened in this proceeding as a matter of right under 10 CFR §2.309(d)(2)(iii).

From the outset, Nye County has clearly stated that its primary interest in this proceeding is protecting the health and safety of its residents. Provided that the concerns raised by Nye County in its contentions are addressed and satisfied by NRC's inclusion of

¹ Petition to Intervene of National Association of Regulatory Utility Commissioners (March 15, 2010), and the Petition to Intervene of the Prairie Island Indian Community (March 16, 2010).

appropriate conditions on construction authorization, Nye County believes that the repository could be constructed and operated safely and in a manner which adequately protects the residents of Nye County and the public from radiological releases and exposures.

During prior consultation with counsel for the Additional Petitioners, Nye County's legal representatives stated that Nye County did not oppose their Petitions to Intervene. Nye County supports the intervention of these parties who have demonstrated standing and a stake in this proceeding, and have met the requirements of 10 C.F.R. §§ 2.309(a) through (g). Nye County previously filed its support of all five petitioners, including the Additional Petitioners, on March 26, 2010, but out of an abundance of caution, is re-filing its support in accordance with the Board's April 27, 2010 Order Setting Briefing Schedule. By granting intervention, the CAB assures that all perspectives are considered as it determines whether to grant, deny, or condition DOE's Motion to Withdraw in this licensing proceeding which has major implications for national nuclear policy. For the reasons stated in the Additional Petitioners' filings in response to the requirements of 10 C.F.R. §§ 2.309(a)-(g), which responses are incorporated herein by reference, Nye County supports the late intervention of each of the Additional Petitioners in this proceeding.

Respectfully Submitted,

Signed electronically

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May 4, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC AND SAFETY LICENSING BOARD

In the Matter of)	Docket No.	63-001-HLW
)		
U.S. DEPARTMENT OF ENERGY)	ASLBP Nos.	09-892-HLW-CAB04
)		
(High-Level Waste Repository))		
)		

CERTIFICATE OF SERVICE

I hereby certify that copies of the Nye County Answers to Petitions to Intervene dated May 4, 2010, in the above-captioned proceeding have been served on the following persons by Electronic Information Exchange.

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