

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High Level Waste Repository))	June 24, 2010

**JOINT ANSWER IN SUPPORT OF
THE STATE OF NEVADA’S PETITION FOR RELIEF
WITH RESPECT TO POSSIBLE ISSUANCE OF A
PARTIAL SAFETY EVALUATION REPORT FOR YUCCA MOUNTAIN**

The Joint Timbisha Shoshone Tribal Group (JTS), the County of Inyo, and the Native Community Action Council (NCAC) join with and support the State of Nevada’s Petition for Relief With Respect to Possible Issuance of a Partial Safety Evaluation Report for Yucca Mountain. Should the Department of Energy’s (DOE) motion to withdraw its license application be granted, JTS, the County of Inyo, and NCAC too will be prejudiced by NRC Staff’s preparation of a safety evaluation report (SER) that will not be subject to the scrutiny concomitant with an adjudicatory hearing process. As explained at length in Nevada’s petition, the risk is too great that parties—those participating and not participating in these proceedings—will rely on a report that does not accurately outline the safety issues associated with constructing the repository at Yucca Mountain.

In stark contrast, NRC Staff will not be prejudiced by a suspension of its work on Volume 3 of the SER because it can begin that work again, picking up where NRC Staff left off should DOE’s motion to withdraw eventually be denied. NRC Staff would also not be prejudiced by granting the alternative relief outlined in Nevada’s petition. That relief clarifies to

any interested parties the status of any SER issued without the adjudicatory hearing process to which it would be otherwise subjected.

For these reasons, JTS, the County of Inyo, and NCAC join with and support Nevada's petition, and ask this Commission to grant the relief set forth within it.

Respectfully submitted,

(signed electronically)

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CERTIFICATE OF SERVICE

I hereby certify that copies of the *Joint Answer in Support of the State of Nevada's Petition for Relief With Respect to Possible Issuance of a Partial Safety Evaluation Report for Yucca Mountain* in the above-captioned proceeding have been served on the following persons this 24th day of June 2010, by Electronic Information Exchange.

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