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	Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY	February 25, 2011
(High Level Waste Repository)	

CLARK COUNTY, NEVADA'S FIFTH CERTIFICATION OF NO ADDITIONAL PARTY 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 Fifth Certification of No Additional Party 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 the witnesses they intend to call at the hearing in support or defense of each contention included in Phase I discovery within 10 days of opening discovery ("Party Witnesses").[3] On October 13, 2009, Clark County identified Party

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[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* CAB Case Management Order #2 (September 30, 2009), at "Appendix to Case Management Order"; Memorandum and Order (December 9, 2009), at 14.

[3] *See* CMO #2, at 5.

Witnesses associated with its Phase I discovery contentions.[4] Clark County has subsequently submitted Certifications of No Additional Party Witnesses, in compliance with CMO #2.[5] Clark County hereby certifies that no additional Party Witnesses have been identified since its Initial Identification of Party Witnesses on October 13, 2009.[6]

Respectfully submitted,

*/s/ filed electronically*_____

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[4] *See* Clark County, Nevada's Initial Identification of Party Witnesses (October 13, 2009).

[5] *See* CMO #2, at 5.

[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. The Board approved the consolidation by Order issued on December 30, 2009. *See* Order (Concerning Contention Consolidation and Groupings) at 2 (December 30, 2009). Pursuant to that Order and the underlying proposal, counsel for Inyo County has authorized counsel for Clark County to state that Inyo County joins in this certification of no additional Party Witnesses for INY-SAFETY-003. The State of Nevada will file its disclosure and/or certification regarding its Party Witnesses separately.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Clark County, Nevada's Fifth Certification of No Additional Party Witnesses have been served on the following persons this 25th day of February, 2011, by Electronic Information Exchange.

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