

June 30, 2011

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)) ASLBP No. 09-892-HLW-CAB04

**STATE OF NEVADA ANSWER TO NRC STAFF PETITION FOR
THE COMMISSION TO EXERCISE ITS INHERENT SUPERVISORY
AUTHORITY TO REVIEW APRIL 11 AND JUNE 9, 2011 BOARD ORDERS**

The State of Nevada (Nevada) does not object to NRC Staff (Staff) filing a Petition for the Commission to Exercise Its Inherent Supervisory Authority, but takes no position on the relief sought by Staff (although Nevada is opposed to Staff's concurrent request of the Commission for a partial stay of this proceeding as addressed in Nevada's separately filed Answer to NRC Staff's Request for Stay).

On June 20, 2011, Staff filed the above-captioned Petition, asking the Commission to review certain Orders of the Yucca Mountain Construction Authorization Board (CAB), particularly those aspects requiring the NRC Office of the Secretary (SECY) to receive and accept and process the LSN documents of all the parties to the Yucca Mountain licensing proceeding and to begin the administrative, budgetary, and financial processes prerequisite to establishing a SECY-operated Yucca Mountain document library on ADAMS. Staff questions the propriety of assigning to SECY what were document preservation requirements heretofore the responsibility of the parties, under longstanding LSN regulations. Staff also questions the conversion of the document collections of the parties into NRC agency records, thus requiring their long-term management by NRC in accordance with federal records management regulations.

Nevada understands the concerns raised by Staff regarding the use of ADAMS for a purpose not contemplated by existing LSN regulations and does not object to Staff's filing a Petition to the Commission to review these issues. However, Nevada takes no position on how these issues should be resolved, should the Commission decide to review Staff's Petition.

Respectfully submitted,

(signed electronically)

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Dated: June 30, 2011

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *State of Nevada Answer to NRC Staff Petition for the Commission to Exercise its Inherent Supervisory Authority to Review April 11 and June 9, 2011 Board Orders* has been served upon the following persons by the Electronic Information Exchange:

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