

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

In the Matter of	Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY	ASLBP Nos. 09-876-HLW-CAB01
(High-Level Waste Repository)	09-877-HLW-CAB02
	09-878-HLW-CAB03

**ANSWER OF CLARK COUNTY, NEVADA TO
NRC STAFF MOTION FOR MODIFICATION AND CLARIFICATION OF ORDER**

Pursuant to 10 C.F.R. §2.323 (c), Clark County, Nevada (“Clark County”) files this Answer to the Motion filed by the Nuclear Regulatory Commission Staff (“Staff”) on March 20, 2009 seeking modification and clarification of the March 18, 2009 Order (“March 18 Order”) issued by the Construction Authorization Boards (“CABs”). Staff requests that the Order be modified to permit the Staff, DOE and Nevada, three counsel to respond daily to questions posed by the CABs. Motion at 2. Staff submits that inclusion third attorney at counsel table could be accomplished in a manner that will not delay or disrupt the proceeding. Staff also requests that the Order be clarified to indicate that the Staff, DOE and Nevada may identify more than eight people who are authorized to enter the conference room area provided that conference room access is limited to eight people at any one time. Motion at 3.

Clark County advised Staff that it would support its requests for modification of the March 18 Order with respect the number of counsel who may respond daily to the questions posed by the CABs; provided, however, that Clark County likewise be permitted to increase its counsel by one (from one to two) who may address the presiding CAB on any given day. In the interest of administrative efficiency, Clark County submits this request in response to Staff’s motion rather than filing a separate motion. Good cause exists to permit a second attorney on

behalf of Clark County to address the CABs on any given day in that it more accurately reflects the division of work to date in preparing Clark County's Petition to Intervene and its Reply to the Answers of DOE and NRC Staff in opposition to that Petition, and in preparing for oral argument. Permitting a second attorney to address the CABs on behalf of Clark County would also reflect a more even playing field should the NRC Staff and DOE, both of whom challenge all of Clark County's contentions, be permitted to have three attorneys address the CAB on any given day. Such a modification to the March 18 Order would have minimal effect on the proceeding, and would maximize Clark County's ability to effectively address the questions identified in the March 18 Order, as well as any specific questions which may arise during oral argument. Clark County does not oppose the requests made by other participants in this proceeding to be allowed one additional counsel to address the CAB each day of oral argument.

Clark County takes no position on Staff's request that the Staff, DOE and Nevada be permitted to identify more than eight people who are authorized to enter the conference room area provided that conference room access is limited to eight people at any one time.

Respectfully submitted,

/s/ Debra Roby
Alan I. Robbins
Debra D. Roby
Bryce C. Loveland
Jennings Strouss & Salmon, PLC
1700 Pennsylvania Ave, NW, Ste 500
Washington D.C., 20006
telephone: (202) 464-0539
email: arobbins@jsslaw.com
email: droby@jsslaw.com
email: bloveland@jsslaw.com

March 23, 2009

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NUCLEAR REGULATORY COMMISSION

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U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository)

Docket No. 63-001

ASLBP Nos. 09-876-HLW-CAB01
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Answer of Clark County, Nevada to NRC Staff Motion for Modification and Clarification of Order," dated March 23, 2009, was served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Mail Stop T-3F23
Washington, DC 20555-0001

CAB 01

William J. Froehlich, Chair
Administrative Judge
wjfl@nrc.gov

Thomas S. Moore
Administrative Judge
tsm2@nrc.gov

Richard E. Wardwell
Administrative Judge
rew@nrc.gov

CAB 02

Michael M. Gibson, Chair
Administrative Judge
mmg3@nrc.gov

Lawrence G. McDade
Administrative Judge
Igm1@nrc.gov

Nicholas G. Trikouros
Administrative Judge
ngt@nrc.gov

CAB 03

Paul S. Ryerson, Chair
Administrative Judge
psr1@nrc.gov

Michael C. Farrar
Administrative Judge
mcf@nrc.gov

Mark O. Barnett
Administrative Judge
mob1@nrc.gov or mark.barnett@nrc.gov

ASLBP (continued)

Anthony C. Eitreim, Esq., Chief Counsel
ace1@nrc.gov

Daniel J. Graser, LSN Administrator
dig2@nrc.gov

Lauren Bregman
Irb1@nrc.gov
Sara Culler
sara.culler@nrc.gov
Joseph Deucher
jhd@nrc.gov
Patricia Harich
pah@nrc.gov
Zachary Kahn
zxk1@nrc.gov
Erica LaPlante
eal1@nrc.gov
Matthew Rotman
matthew.rotman@nrc.gov
Andrew Welkie
axw5@nrc.gov
Jack Whetstine
jgw@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001

Hearing Docket
hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Marian L. Zobler, Esq.
mlz@nrc.gov
Mitzi A. Young, Esq.
may@nrc.gov
Nina E. Bafundo, Esq.
neb1@nrc.gov
Margaret J. Bupp, Esq.
mjb5@nrc.gov
Karin Francis, Paralegal
Kfx4@nrc.gov
Joseph S. Gilman, Paralegal
jsg1@nrc.gov
Daniel W. Lenahan, Esq.
dwl2@nrc.gov
Kevin Roach, Esq.
kevin.roach@nrc.gov
Andrea L. Silvia, Esq.
alc1@nrc.gov
OGC Mail Center
OGCMailCenter@nrc.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321

George W. Hellstrom, Esq.
george.hellstrom@ymp.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop 0-16C1
Washington, DC 20555-0001

OCAA Mail Center
ocaamail@nrc.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W. Washington,
DC 20585

Martha S. Crosland, Esq.
martha.crosland@hg.doe.gov
Nicholas P. DiNunzio, Esq.
nick.dinunzio@rw.doe.gov
James Bennett McRae
ben.mcrae@hq.doe.gov
Mary B. Neumayr, Esq.
mary.neumavr@hg.doe.gov
Christina C. Pak, Esq.
christina.pak@hg.doe.gov

For the Department of Energy
Talisman International, LLC
1000 Potomac St., NW, Suite 300
Washington, DC 20007

Patricia Larimore, Senior Paralegal
plarimore@talisman-intl.com

For the Department of Energy
Bechtel-SAIC
Yucca Mountain Project Licensing Group
1251 Center Crossing Road, M/S 423
Las Vegas, NV 89144

Jeffrey Kriner, Regulatory Programs
Jeffrey.kriner@ymp.gov
Stephen J. Cereghino, Licensing/Nucl Safety
stephen_cereghino@ymp.gov

For the Department of Energy
Office of Counsel, Naval Sea Systems
Command
Nuclear Propulsion Program
1333 Isaac Hull Avenue, SE
Washington Navy Yard, Building 197
Washington, DC 20376

Frank A. Putzu, Esq.
frank.putzu@navy.mil

For the Department of Energy
Bechtel-SAIC
Yucca Mountain Project Licensing Group
6000 Executive Boulevard, Suite 608
North Bethesda, MD 20852

Edward Borella, Sr Staff, Licensing/
Nuclear Safety
edward_borella@ymp.gov
Danny R. Howard, Sr. Licensing Engineer
danny_howard@vmp.gov

Counsel for the U.S. Department of Energy
Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Clifford W. Cooper, Paralegal
cocooper@morganlewis.com
Lewis M. Csedrik, Associate
lcsedrik@morganlewis.com
Jay M. Gutierrez, Esq.
jgutierrez@morganlewis.com
Charles B. Moldenhauer, Associate
cmoldenhauer@morganlewis.com
Brian P. Oldham, Associate
boldham@morganlewis.com
Thomas D. Poindexter, Esq.
tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
tschmutz@morganlewis.com
Donald J. Silverman, Esq.
dsilverman@morganlewis.com
Shannon Staton, Legal Secretary
sstaton@morgantewis.com
Annette M. White, Associate
Annette.white@morganlewis.com
Paul J. Zaffuts, Esq.
pzaffuts@morganlewis.com

Counsel for the U.S. Department of Energy
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

Kelly L. Faglioni, Esq.
kfaglioni@hunton.com
Donald P. Irwin, Esq.
dirwin@hunton.com
Michael R. Shebelskie, Esq.
mshebelskie@hunton.com
Patricia Slayton, Senior Paralegal
pslayton@hunton.com

Counsel for the State of Nevada
Egan, Fitzpatrick & Malsch, PLLC
2001 K Street, NW, Suite 400
Washington, DC 20006

Martin G. Malsch, Esq.
mmalsch@nuclearlawyer.com
Susan Montesi:
smontesi@nuclearlawyer.com

Nevada Agency for Nuclear Projects
Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706

Steve Frishman, Tech. Policy Coordinator
steve.frishman@gmail.com
Susan Lynch, Administrator of
Technical Prgms
szeee@nuc.state.nv.us

Counsel for Lincoln County, Nevada
Carter Ledyard & Milburn, LLP
1401 Eye Street, N.W., Suite 300
Washington, DC 20005

Barry S. Neuman, Esq.
neuman@clm.com

Counsel for Lincoln County, Nevada
1100 S. Tenth Street
Las Vegas, NV 89017

Bret Whipple, Esq.
baileys@lcturbonet.com

For Lincoln County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702

Mike Baughman, Consultant
BIGBOFF@aol.com

Counsel for the State of Nevada
Egan, Fitzpatrick & Malsch, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216

Charles J. Fitzpatrick, Esq.
cfitzpatrick@nuclearlawyer.com
John W. Lawrence, Esq.
jlawrence@nuclearlawyer.com
Laurie Borski, Paralegal
lborski@nuclearlawyer.com

Bureau of Government Affairs
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701

Marta Adams, Chief Deputy
Attorney General
madams@ag.nv.gov

Counsel for Lincoln County, Nevada
Carter Ledyard & Milburn, LLP
2 Wall Street
New York, NY 10005

Ethan I. Strell, Esq.
strell@clm.com

Lincoln County Nuclear Oversight Program
P.O. Box 1068
Caliente, NV 89008

Connie Simkins, Coordinator
jcciac@co.lincoln.nv.us

Counsel for Nye County, Nevada
Ackerman Senterfitt
801 Pennsylvania Avenue, NW, #600
Washington, DC 20004

Robert Andersen, Esq.
robert.andersen@akerman.com

Nye County Regulatory/Licensing Advisor
18160 Cottonwood Rd. #265
Sunriver, OR 97707

Malachy Murphy, Esq.
mrmurphv@chamberscable.com

Clark County, Nevada
500 S. Grand Central Parkway
Las Vegas, NV 98155

Elizabeth A. Vibert, Deputy District Attorney
VibertE@co.clark.nv.us
Phil Klevorick, Sr. Mgmt Analyst
klevorick@co.clark.nv.us

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
1700 Pennsylvania Avenue, NW, Suite 500
Washington, DC 20006-4725

Elene Belte, Legal Secretary
ebelete@jsslaw.com
Alan I. Robbins, Esq.
arobbins@jsslaw.com
Debra D. Roby, Esq.
droby@jsslaw.com

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
8330 W. Sahara Avenue, #290
Las Vegas, NV 89117

Bryce C. Loveland, Esq.
bloveland@jsslaw.com

Counsel for Nye County, Nevada
530 Farrington Court
Las Vegas, NV 89123

Jeffrey VanNiel, Esq.
nbrjdv@gmail.com

Nye County Nuclear Waste
Repository Project Office (NWRPO)
1210 E. Basin Road, #6
Pahrump, NV 89060

Sherry Dudley, Admin. Technical Coordinator
sdudley@co.nye.nv.us
Zoie Choate, Secretary
zchoate@co.nye.nv.us

Eureka County, Nevada
Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190

Theodore Beutel, District Attorney
tbeutel.ecda@eurekanv.org

Counsel for Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036

Diane Curran, Esq.
dcurran@harmoncurran.com
Matthew Fraser, Law Clerk
mfraser@harmoncurran.com

Nuclear Waste Advisory for Eureka
County, Nevada
1983 Maison Way
Carson City, NV 89703

Abigail Johnson, Consultant
eurekanrc@gmail.com

Counsel for Churchill, Esmeralda, Lander,
and Mineral Counties, Nevada
Armstrong Teasdale, LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237

Robert F. List, Esq.
rlist@armstrongteasdale.com
Jennifer A. Gores, Esq.
jgores@armstrongteasdale.com

White Pine County, Nevada
Office of the District Attorney
801 Clark Street. #3
Ely, NV 89301

Richard Sears, District Attorney
rwsears@wpcde.org

For White Pine County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702

Mike Baughman, Consultant
BIGBOFF@aol.com

Eureka County Public Works
PO Box 714
Eureka, NV 89316

Ronald Damele, Director
rdamele@eurekanv.org

For Eureka County, Nevada
NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403

Loreen Pitchford, Consultant
lpitchford@comcast.net

Esmeralda County Repository Oversight
Program
Yucca Mountain Project
PO Box 490
Goldfield, NV 89013

Edwin Mueller, Director
muellered@msn.com

White Pine County Nuclear Waste
Project Office
959 Campton Street
Ely, NV 89301

Mike Simon, Director
wpnucwst1@mwpower.net

Counsel for Inyo County, California
Greg James, Attorney at Law
710 Autumn Leaves Circle
Bishop, CA 93514

Greg James, Esq.
E-Mail: gljames@earthlink.net

Counsel for Caliente Hot Springs Resort LLC
John H. Huston, Attorney at Law
6772 Running Colors Avenue
Las Vegas, NV 89131

John H. Huston, Esq.
johnhhuston@gmail.com

California Department of Justice
Office of the Attorney General
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550

Susan Durbin, Deputy Attorney General
susan.durbin@doj.ca.gov
Michele Mercado, Analyst
michele.Mercado@doj.ca.gov

California Department of Justice
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013

Brian Hembacher, Deputy Attorney General
brian.hembacher@doj.ca.gov

Nuclear Energy Institute
Office of the General Counsel
1776 I Street, NW Suite 400
Washington, DC 20006-3708

Ellen C. Ginsberg, General Counsel
ecg@nei.org
Michael A. Bauser, Deputy General Counsel
mab@nei.org
Anne W. Cottingham, Esq.
awc@nei.org

California Department of Justice
Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550

Timothy E. Sullivan, Deputy Attorney General
timothy.Sullivan@doj.ca.gov

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Kevin W. Bell, Senior Staff Counsel
kwbell@energy.state.ca.us

Counsel for the Nuclear Energy Institute
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1122

Jay E. Silberg, Esq.
jay.silberg@pillsburylaw.com
Timothy J.V. Walsh, Esq.
timothy.walsh@pillsburylaw.com
Maria D. Webb, Senior Energy Legal Analyst
maria.webb@pillsburylaw.com

Counsel for the Nuclear Energy Institute
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

David A. Repka, Esq.
drepka@winston.com
William A. Horin, Esq.
whorin@winston.com
Rachel Miras-Wilson
rwilson@winston.com
Carlos L. Sisco, Senior Paralegal
csisco@winston.com

Native Community Action Council
P.O. Box 140
Baker, NV 89311

Ian Zabarte, Member of Board of Directors
mrizabarte@gmail.com

Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Kevin Kamps
kevin@beyondnuclear.org

Counsel for Timbisha Shoshone Tribe
Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA 95814

Darcie L. Houck, Esq.
dhouch@ndlaw.com
John M. Peebles, Esq.
jpeebles@ndlaw.com
Timbisha Shoshone Yucca Mountain Oversight
Program Non-Profit Corporation
3560 Savoy Boulevard
Pahrump, NV 89601

Joe Kennedy, Member of Board of Directors and
Executive Director
joekennedy08@live.com
Tameka Vazquez, Bookkeeper
purpose_driven12@yahoo.com

Counsel for Timbisha Shoshone Yucca
Mountain Oversight Program Non-Profit
Corporation
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719

Douglas M. Poland, Esq.
dpoland@gklaw.com
Steven A. Heinzen, Esq.
sheinzen@gklaw.com
Arthur G. Harrington, Esq.
aharring@gklaw.com

Signed Electronically

Debra D. Roby
Jennings, Strouss & Salmon, PLC
1700 Pennsylvania Ave, NW
Suite 500
Washington, D.C. 20005
Tel: (202) 464-0539
email: droby@jsslaw.com