JOINT TIMBISHA SHOSHONE TRIBAL GROUP’S RESPONSE TO THE DEPARTMENT OF ENERGY’S MOTION FOR WITHDRAWAL

The Joint Timbisha Shoshone Tribal Group (JTS) joins with and supports the State of Nevada’s Answer to the Department of Energy’s Motion with Respect to Withdrawal of the License Application. With respect to Section IV.E. of Nevada’s brief, JTS adds that it too has incurred great expense and expended a tremendous amount of resources toward this licensing proceeding. Indeed, to date, JTS has incurred more than $600,000 in legal fees and other costs. Although the U.S. Congress appropriated $750,000 for 2009 and 2010 to allow JTS to pay for its legal fees and other costs to participate in this proceeding, JTS and its attorneys have been forced to cover these costs themselves because the Department of Energy has refused to release those funds to JTS. Notwithstanding the DOE’s continuing failure to transfer those funds to JTS despite Congress’ direction to do so, and without prejudice to JTS’s right to take any appropriate

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1 That section is titled “Nevada’s Efforts and Expenses of Preparation for the Licensing Proceeding Support a Withdrawal with Prejudice.”
legal action in the future to secure payment of those funds, JTS respectfully requests that the Licensing Board grant the DOE’s motion to withdraw with prejudice its license application.

Respectfully submitted,

(signed electronically)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:
U.S. DEPARTMENT OF ENERGY

(License Application for Geologic Repository at Yucca Mountain)

Docket No. 63-001-HLW
ASLBP No. 09-892-HLW-CAB04
May 17, 2010

CERTIFICATE OF SERVICE

I hereby certify that copies of the Joint Timbisha Shoshone Tribal Group’s Response to the Department of Energy’s Motion for Withdrawal in the above-captioned proceeding have been served on the following persons this 17th day of May 2010, by Electronic Information Exchange.

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