Before the Commission

In the Matter of )
(High Level Waste Repository) ) March 10, 2011

STATE OF NEVADA ANSWER TO DOE MOTION
TO RENEW TEMPORARY SUSPENSION OF PROCEEDING

The State of Nevada did not oppose DOE’s requested suspension, according to its terms, in the proceedings before the Atomic Safety and Licensing Board. Likewise, the State does not oppose DOE’s motion before the Commission. However, a fair reading of the Licensing Board’s February 25 Memorandum and Order suggests strongly that the State (and other affected parties) must now proceed with costly, and potentially unnecessary, deposition discovery or face the risk that such discovery will be curtailed or be considered waived. Under the NRC’s rules, this risk of a highly prejudicial curtailment or loss of discovery persists notwithstanding the pendency of DOE’s instant motion.

Respectfully submitted,

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Dated:  March 10, 2011
In the Matter of )
) Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY )
(High Level Waste Repository) )

CERTIFICATE OF SERVICE

I hereby certify that the foregoing State of Nevada Response to DOE Motion to Renew Temporary Suspension of Proceeding has been served upon the following persons by the Electronic Information Exchange:

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