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

NYE COUNTY’S ANSWER TO NRC STAFF’S MOTION FOR MODIFICATION AND CLARIFICATION.

Jeffrey D. VanNiel
Regulatory and Licensing Advisor
Nye County, Nevada
530 Farrington Court
Las Vegas, NV 89123
Voice: 702.896.0458
Fax: 702.896.0459
email nbrjdvn@gmail.com

Malachy R. Murphy
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Voice 541 593-1730
Fax 541 593-1730
email mrmurphy@chamberscable.com

Robert M. Andersen
Akerman Senterfitt
801 Pennsylvania Avenue N.W., Suite 600
Washington, DC 20004
Voice 202.393.6222
Fax 202.393.5959
email robert.andersen@akerman.com

March 23, 2009 Counsel for Nye County, Nevada
Pursuant to 10 C.F.R. § 2.323 (c), Nye County, Nevada (“Nye County” or “County”) files this Answer to the March 20, 2009 NRC Staff Motion for Modification and Clarification of Order (“Motion”), which was filed in response to the Construction Authorization Boards’ (“CABS”) March 18, 2009 Order (Terms, Logistics, and Questions for Oral Argument) ("Order"). Nye County supports the NRC Staff’s requests for modification and clarification of the Order and also requests that it be permitted to have two counsel address the presiding CAB each day.¹ Motion at 3. Nye County submits this Answer to expand upon its request that it be allowed to have two counsel address the presiding CAB each day.²

Nye County respectfully requests that the Order be modified to permit two of Nye County’s counsel to present argument on any day of the hearing. Nye County’s individual counsel have prepared different portions of the County’s intervention petition, as well as different portions of the County’s Reply to the Answers filed on behalf of the Department of Energy and the NRC Staff to the County’s Petition to intervene and contentions. Consequently, more than one counsel on any day may be needed to properly address the subject matters identified in the Order as allocated over the three-day oral arguments, as well as “specific questions about [Nye County’s] contentions….” Order at 3. In no event does the County intend to have more than one attorney respond to a single topic.

Nye County appreciates the CABS’ efforts to structure oral arguments, so that all parties and potential parties can participate meaningfully in the discussion. Nye County assures the CABS that permitting two counsel to present argument each day will assist in the efficient and meaningful conduct of oral arguments.

¹ Nye County does not oppose the requests made by other participants in this proceeding to be allowed an additional counsel to address the presiding CAB each day of oral argument. Motion at 3.

² Nye County submits this request in response to the NRC Staff’s Motion and, in the interest of procedural efficiency, does not believe that a separate motion is required to make this request.
For the reasons discussed above, Nye County respectfully requests that the Order be modified to permit two of Nye County’s counsel to present argument on any day of the hearing.

Respectfully Submitted

(Electronically Signed By)
Jeffrey D. VanNiel
Nye County Regulatory & Licensing Advisor
530 Farrington Court
Las Vegas, NV 89123
832.541.4888 Cell
702.896.0459 Fax
nbrjdvn@gmail.com
CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing, Answer to NRC Staffs Motion for Modification and Clarification, dated, this 23rd day of March, have been 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

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

CAB 01
William J. Froehlich, Chair
Administrative Judge
wif@nrc.gov

Daniel J. Graser, LSN Administrator
djg2@nrc.gov

Thomas S. Moore
Administrative Judge
tsm2@nrc.gov

Lauren Bregman
lrb1@nrc.gov

Sara Culler
sara.culler@nrc.gov

Richard E. Wardwell
Administrative Judge
rew@nrc.gov

Joseph Deucher
jhd@nrc.gov

Zachary Kahn
zxk1@nrc.gov

CAB 02
Michael M. Gibson, Chair
Administrative Judge
mmg3@nrc.gov

Erica LaPlante
eal1@nrc.gov

Matthew Rotman
matthew.rotmas@nrc.gov

Andrew Welkie
axw5@nrc.gov

Lawrence G. McDade
Administrative Judge
lgm1@nrc.gov

Jack Whentstine
jgw@nrc.gov

CAB 03
Paul S. Ryerson, Chair
Administrative Judge
psr1@nrc.gov

Nicholas G. Trikouros
Administrative Judge
ngt@nrc.gov

Michael C. Farrar
Administrative Judge
mcf@nrc.gov

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

Eureka County Public Works
PO Box 714
Eureka, NV 89316

Ronald Damele, Director
rdamele@eurekanv.org

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

Abigail Johnson, Consultant
eurekanrc@mail.com

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

Loreen Pitchford, Consultant
lpitchford@comcast.net

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

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

Edwin Mueller, Director
muellered@msn.com

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

Richard Sears, District Attorney
rwsears@wpcde.org

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

Mike Simon, Director
wpnucwst1@mwpower.net

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

Mike Baughman, Consultant
BIGBOFF@aol.com

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 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

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

Darcie L. Houch, Esq.
dhouch@ndlaw.com
John M. Peebles, Esq.
jeebiles@ndlaw.com

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

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

Timbisha Shoshone Yucca Mountain Oversight Program
Non-Profit Corporation
3560 Savoy Boulevard
Pahrump, NV 89061

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

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

Kevin Kamps
kevin@beyondnuclear.org

March 23, 2009

(Electronically Signed By)
Jeffrey D. VanNiel
Nye County Regulatory & Licensing Advisor
530 Farrington Court
Las Vegas, NV 89123
832.541.4888 Cell
702.896.0459 Fax
nbrjdvn@gmail.com