NYE COUNTY COMMENTS REGARDING DOE'S LSN PRESERVATION PLAN

Pursuant to the Construction Authorization Board 04's (CAB04), April 27, 2010 Memorandum and Order, Nye County, Nevada ("Nye County"), hereby submits the following comments regarding Department of Energy’s (“DOE”) plans for preserving is LSN collection and other information. Memorandum and Order (Setting Briefing Schedule) at pp. 2 (April 27, 2010) (unpublished).

Nye County noted in both its February 16, 2010 preliminary filing and its May 17, 2010 Response to DOE's Motion to Withdraw its License Application With Prejudice, that it believes that all Yucca Mountain technical information, records, documents, physical samples and scientific data, as well as the materials in the LSN collection, constitute a critical national resource and source of information.¹ Nye County reiterates that all of the above-listed Yucca Mountain information, paid for by citizen taxpayers, should be protected and preserved for future scientific and policy purposes.

DOE's response to the CAB's questions did not contain a proposal for handling the non-LSN materials and information that are in DOE's custody. Thus, Nye County is not in a position to more fully respond to DOE's proposed plan for all of the Yucca Mountain information, as the final plan has yet been released by DOE. Nor can Nye County respond to DOE's proposed plans for preserving and protecting the data and core samples that are in DOE's custody, some of which are the property of Nye County, as those plans have also not been released to date. When DOE releases this information, Nye County welcomes the opportunity to respond to the details of those plans. Nye County looks forward to the June 4, 2010 Case Management Conference to discuss the issue of DOE's information preservation in more detail.

Respectfully Submitted,

Signed electronically

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

Robert M. Andersen
Akerman Senterfitt LLP
750 9th Street N.W., Suite 750
Washington, DC 20001
Voice: 202.393.6222
Fax: 202.393.5959
email: robert.andersen@akerman.com

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

Counsel for Nye County, Nevada

June 1, 2010
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC AND SAFETY LICENSING BOARD

In the Matter of ) Docket No. 63-001-HLW
) )
U.S. DEPARTMENT OF ENERGY ) ASLBP Nos. 09-892-HLW-CAB04
) )
(High-Level Waste Repository) ) )
)

CERTIFICATE OF SERVICE
I hereby certify that copies of the Nye County Comments to DOE LSN Preservation Plans, dated June 1, 2010, in the above-captioned proceeding have been served on the following persons by Electronic Information Exchange.

CAB 01
William J. Froehlich, Chairman
Thomas S. Moore
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: wjf1@nrc.gov
tsm2@nrc.gov
rew@nrc.gov

CAB 02
Michael M. Gibson, Chairman
Alan S. Rosenthal
Nicholas G. Trikourous
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: mmg3@nrc.gov
axr@nrc.gov
ngt@nrc.gov

CAB 04
Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: tsm2@nrc.gov
psr1@nrc.gov
rew@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: HEARINGDOCKET@nrc.gov

Office of Commission Appellate
Adjudication
ocaamail@nrc.gov
June 1, 2010

Signed (electronically) by

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
e-mail: nbrjdvn@gmail.com