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

ASLBP Nos. 09-876-HLW-CAB01 09-877-HLW-CAB02 09-878-HLW-CAB03

April 20, 2009

JOINT STATEMENT OF TIMBISHA SHOSHONE YUCCA MOUNTAIN OVERSIGHT PROGRAM NON-PROFIT CORPORATION (“TOP”) AND TIMBISHA SHOSHONE TRIBE (“TIM”) REGARDING PARTICIPATION AS A SINGLE ENTITY

Petitioners Timbisha Shoshone Tribe (“TIM”) and Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation (“TOP”) submit this Joint Statement pursuant to the directive from Construction Authorization Board 02 (“CAB02”) of the Atomic Safety and Licensing Board (the “Board”) at the April 1, 2009 oral argument on the admissibility of contentions (see 4/1/09 Tr. at 513:1-518:11) and in accordance with the extensions of time to file this Joint Statement that the Board has granted.

As CAB02 directed, the principals of TOP and TIM and their respective counsel have conferred regarding the possibility of participating in this proceeding as a single entity and have reached an agreement to do so. (See Attachment A to this Joint Statement.) To avoid confusion, TOP and TIM request that the single entity to which they have agreed be referred to in this proceeding as the Joint Timbisha Shoshone Tribal Group (“JTS”).

On behalf of JTS, the undersigned counsel intend to seek leave to file a Petition to Intervene that will collect in one Petition the contentions of both TIM and TOP. Counsel also
ask the Licensing Board for its guidance as to any other materials previously submitted in this proceeding on behalf of either TIM or TOP—such as appearances of counsel and LSN-related submissions—that the Licensing Board would like re-submitted on behalf of JTS.

Respectfully submitted,

s/ Douglas M. Poland

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Dated in Madison, Wisconsin this 20th day of April 2009.

Respectfully submitted,

s/ Darcie L. Houck

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U.S. DEPARTMENT OF ENERGY  
(License Application for Geologic Repository at Yucca Mountain)  

Docket No. 63-001-HLW  
ASLBP No. 09-876-HLW-CAB01  
09-877-HLW-CAB02  
09-878-HLW-CAB03  

April 15, 2009  

CERTIFICATE OF SERVICE  

I hereby certify that copies of the Joint Statement of Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation and Timbisha Shoshone Tribe Regarding Their Willingness to Proceed as a Single Entity in the above-captioned proceeding have been served on the following persons this 20th day of April 2009, by Electronic Information Exchange.

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Dated this 20th day of April 2009.

/signed (electronically) by/

Steven A. Heinzen