

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Atomic Safety and Licensing Board

Before Administrative Judges:

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| ASLBP BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chairman Paul S. Ryerson Richard E. Wardwell |
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| In the Matter of |) | |
| |) | |
| U.S. DEPARTMENT OF ENERGY |) | Docket No. 63-001-HLW |
| |) | |
| (High Level Waste Repository) |) | May 2, 2011 |

NEVADA ANSWERS TO (1) NRC STAFF REQUEST FOR LEAVE TO FILE MOTION FOR RECONSIDERATION AND MOTION FOR RECONSIDERATION OF THE BOARD’S APRIL 11, 2011 ORDER, OR PETITION FOR CERTIFICATION, AND (2) NRC STAFF MOTION FOR STAY OF APRIL 11, 2011 BOARD ORDER

The State of Nevada (“Nevada”) does not object to reconsideration or certification of the Licensing Board’s April 11, 2011 Order, or to a temporary stay of that Order, as requested by NRC Staff. Nevada believes the Licensing Board’s April 11, 2011 Order raises several significant legal and policy issues that could not have reasonably been anticipated, and that a temporary stay of that Order will not harm Nevada.

Nevada supports the Board’s goal to preserve the electronic accessibility of Yucca Mountain documentary material, but also is sympathetic to the NRC Staff’s concern that using ADAMS for this purpose raises issues not considered in the various rulemaking proceedings leading to the LSN. Nevada is not in a position to offer an independent evaluation of the NRC’s Staff’s arguments regarding the financial and administrative burdens of complying with the Order. Moreover, assuming the NRC Staff’s estimates are correct, Nevada cannot tell from NRC

Staff's Motion whether sufficient FY-2011 finds are or can be made available for compliance.

Accordingly, Nevada takes no position regarding whether, on reconsideration or certification, the

Board's Order of April 11, 2011 should be modified.

Respectfully submitted,

(signed electronically)

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Dated May 2, 2011

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Nevada Answers to (1) NRC Staff Request for Leave to File Motion for Reconsideration and Motion for Reconsideration of the Board's April 11, 2011 Order, or Petition for Certification, and (2) NRC Staff Motion for Stay of April 11, 2011 Board Order* has been served upon the following persons by the Electronic Information Exchange:

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CAB 04

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