

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:**

**09-892-HLW-CAB04  
Thomas S. Moore, Chairman  
Paul S. Ryerson  
Richard E. Wardwell**

|   |                     |                       |
|---|---------------------|-----------------------|
| In the Matter of :                          | )                   | June 1, 2010          |
|   | )                   |                       |
| U.S. Department of Energy )                 | Docket No. 63-001 ) |                       |
|   | )                   | Docket No. 63-001-HLW |
| (High Level Waste Repository Construction ) |                     |                       |
| Authorization Application) )                |                     |                       |
|   | )                   |                       |

**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 Memorandum and Order (Setting Briefing Schedule) at pp. 2 (April 27, 2010) (unpublished).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.<sup>1</sup> 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.

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<sup>1</sup> Nye County Preliminary Response to DOE's February 4, 2010, Answers to CAB04's LSN Questions (February 16, 2010) at 2.

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*

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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

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