

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Atomic Safety and Licensing Board

Before Administrative Judges:

ASLBP BOARD 09-876-HLW-CAB01 William J. Froehlich, Chairman Thomas S. Moore Richard E. Wardwell	ASLBP BOARD 09-877-HLW-CAB02 Michael M. Gibson, Chairman Alan S. Rosenthal Nicholas G. Trikouros	ASLBP BOARD 09-878-HLW-CAB03 Paul S. Ryerson, Chairman Michael J. Farrar Mark O. Barnett
---	--	--

In the Matter of	)	
	)	Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY	)	
(High-Level Waste Repository)	)	March 9, 2009
	)	

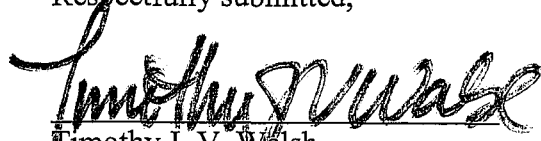
NEI RESPONSE TO MARCH 4, 2009 MEMORANDUM AND ORDER

Pursuant to the March 4, 2009 Memorandum and Order (Agenda for Telephonic First Prehearing Conference) issued by the Construction Authorization Board (“CAB01”), the Nuclear Energy Institute (“NEI”) submits the following issues to be considered by CAB01 at the March 12, 2009 first prehearing telephonic conference:

1. What procedures do the CABs anticipate using at the March 31-April 2 oral arguments, such as and including use of the Nuclear Regulatory Commission (“NRC”) Digital Data Management System (“DDMS”)? With respect to the DDMS, will access to and use of the DDMS be required of counsel to conduct oral arguments?

2. What is the anticipated schedule for ruling on NEI's February 13, 2009 Motion to Strike Nevada's Answer to NEI's Petition to Intervene?

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy J. V. Walsh", is written over a horizontal line.

Timothy J. V. Walsh

Pillsbury Winthrop Shaw Pittman, LLP

2300 N St., NW

Washington, DC 20037-1122

Tel: 202-663-8455

Fax: 202-663-8007

E-mail: timothy.walsh@pillsburylaw.com

Counsel for NEI

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NEI Response to March 4, 2009 Memorandum and Order" have been served upon the following persons on this 9th day of March, 2009 by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

CAB01

William J. Froehlich, Chair
Administrative Judge
E-mail: wjfl@nrc.gov

Thomas S. Moore
Administrative Judge
E-mail: tsm2@nrc.gov

Richard E. Wardwell
Administrative Judge
E-mail: rew@nrc.gov

CAB02

Michael M. Gibson, Chair
Administrative Judge
E-mail: mmg3@nrc.gov

Alan S. Rosenthal
Administrative Judge
E-mail: axr@nrc.gov, rsnthl@verizon.net

Nicholas G. Trikouros
Administrative Judge
E-mail: ngt@nrc.gov

ASLBP (cont'd.)

CAB03

Paul S. Ryerson, Chair
Administrative Judge
E-mail: psr1@nrc.gov

Michael C. Farrar
Administrative Judge
E-mail: mcf@nrc.gov

Mark O. Barnett
Administrative Judge
E-mail: mob1@nrc.gov or mark.barnett@nrc.gov

Anthony C. Eitheim, Esq.
Chief Counsel
E-mail: acel@nrc.gov

James M. Cutchin: jmc3@nrc.gov
Joseph Deucher: jhd@nrc.gov
Lauren Bregman: lrb1@nrc.gov
Zachary Kahn: zxk1@nrc.gov
Erica LaPlante: eal1@nrc.gov
Emily Krause: eik1@nrc.gov
Sara Culler: sara.culler@nrc.gov
Patricia Harich: patricia.harich@nrc.gov
Matthew Rotman: matthew.rotman@nrc.gov
Andrew Welkie: axw5@nrc.gov
Jack Whetstone: jgw@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Mitzi A. Young, Esq.
E-mail: may@nrc.gov
Marian L. Zobler, Esq.
E-mail: mlz@nrc.gov
Andrea L. Silvia, Esq.
E-mail: alc1@nrc.gov
Margaret J. Bupp, Esq.
E-mail: mjb5@nrc.gov
Daniel W. Lenehan, Esq.
E-mail: dwl2@nrc.gov
Nina E. Bafundo, Esq.
E-mail: neb1@nrc.gov
Karin Francis, Paralegal
E-mail: Kfx4@nrc.gov
Joseph S. Gilmann, Paralegal
E-mail: jsg1@nrg.gov
Kevin Roach, Esq.
E-mail: kevin.roach@nrc.gov
OGC Mail Center
E-mail: OGCMailCenter@nrc.gov

Daniel J. Graser
LSN Administrator
E-mail: djg2@nrc.gov
ASLB HLW Adjudication
E-mail: ASLB HLW Adjudication@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Public Affairs
Mail Stop O-16D3
Washington, DC 20555-0001

Hearing Docket
E-mail: hearingdocket@nrc.gov

David McIntyre:
E-mail: dtm@nrc.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W.
Washington, DC 20585

Martha S. Crosland, Esq.
E-mail: martha.crosland@hq.doe.gov
Nicholas P. DiNunzio, Esq.
E-mail: nick.dinunzio@rw.doe.gov
Angela M. Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov
Mary B. Neumayr, Esq.
E-mail: mary.neumayr@hq.doe.gov
James Bennett McRae
E-mail: ben.mcrae@hq.doe.gov
Christina C. Pak, Esq.
E-mail: christina.pak@hq.doe.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321
George W. Hellstrom, Esq.
E-mail: george.hellstrom@ymp.gov

U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, NV 89134-6321

Timothy C. Gunter
E-mail: timothy_gunter@ymp.gov
Susan L. Rives
E-mail: susan_rives@ymp.gov

Counsel for the U.S. Department of Energy
Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004

Lewis Csedrik, Esq.
E-mail: lcshedrik@morganlewis.com
Jay Gutierrez, Esq.
E-mail: jgutierrez@morganlewis.com
Charles B. Moldenhauer, Esq.
E-mail: cmoldenhauer@morganlewis.com
Brian P. Oldham, Esq.
E-mail: boldham@morganlewis.com
Shannon Staton, Legal Secretary
E-mail: ssaton@morganlewis.com
Thomas Poindexter, Esq.
E-mail: tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
E-mail: apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
E-mail: tschmutz@morganlewis.com
Donald Silverman, Esq.
E-mail: dsilverman@morganlewis.com
Paul J. Zaffuts, Esq.
E-mail: pzaffuts@morganlewis.com
Thomas E. Reinert, Jr., Esq.
E-mail: treinert@morganlewis.com
Corrine A. Niosi, Esq.
E-mail: cniosi@morganlewis.com
Liesel J. Danjczek, Esq.
E-mail: ldanjczek@morganlewis.com
Anna L. Vinson, Esq.
E-mail: avinson@morganlewis.com
Annette M. White, Esq.
E-mail: annette.white@morganlewis.com
Cliff Cooper, Paralegal
E-mail: ccooper@morganlewis.com

Counsel for the State of Nevada
Egan, Fitzpatrick & Malsch, PLLC
2001 K Street
Washington, DC 20006

Martin G. Malsch, Esq.
E-mail: mmalsch@nuclearlawyer.com
Susan Montesi
E-mail: smontesi@nuclearlawyer.com

Counsel for the U.S. Department of Energy
Hunton & Williams, LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

W. Jeffrey Edwards, Esq.
E-mail: jewards@hunton.com
Kelly L. Faglioni, Esq.
E-mail: kfaglioni@hunton.com
Melissa Grier
E-mail: mgrier@hunton.com
Donald P. Irwin, Esq.
E-mail: dirwin@hunton.com
Stephanie Meharg:
E-mail: smeharg@hunton.com
Edward P. Noonan, Esq.
E-mail: enoonan@hunton.com
Audrey B. Rusteau
E-mail: arusteau@hunton.com
Michael R. Shebelskie, Esq.
E-mail: mshebelskie@hunton.com
Pat Slayton
E-mail: pslayton@hunton.com
Belinda A. Wright
E-mail: bwright@hunton.com

Egan, Fitzpatrick & Malsch, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
Charles J. Fitzpatrick, Esq.
E-mail: cfitzpatrick@nuclearlawyer.com
John W. Lawrence, Esq.
E-mail: jlawrence@nuclearlawyer.com
Laurie Borski, Paralegal
E-mail: lborski@nuclearlawyer.com

Counsel for Lincoln County
Carter Ledyard & Milburn, LLP
1401 Eye Street, N.W., Suite 300
Washington, DC 20005

Barry S. Neuman, Esq.
E-mail: neuman@clm.com

Counsel for Lincoln County
Carter Ledyard & Milburn, LLP
2 Wall Street
New York, NY 10005

Ethan I. Strell, Esq.
E-mail: strell@clm.com

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
8330 W. Sahara Avenue, #290
Las Vegas, NV 89117
Marc Gordon, Esq.
E-mail: mgordon@jsslaw.com

Counsel for Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036

Diane Curran, Esq.
E-mail: dcurran@harmoncurran.com
Matthew Fraser
E-mail: mfraser@harmoncurran.com

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Margaret Plaster, Management Analyst
E-mail: mplaster@LasVegasNevada.gov
Liane Lee, Legislative Affairs Officer
E-mail: lilee@LasVegasNevada.GOV

White Pine County, City of Caliente,
Lincoln County
P.O. Box 126
Caliente, NV 89008
Jason Pitts
E-mail: jayson@idtservices.com

Clark County (NV)
500 S. Grand Central Parkway
Las Vegas, NV 98155

Elizabeth A. Vibert, Deputy District Attorney
E-mail: VibertE@co.clark.nv.us
Engelbrecht von Tiesenhausen
E-mail: evt@co.clark.nv.us
Phil Klevatorick, Sr. Mgmt Analyst
E-mail: klevatorick@co.clark.nv.us

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
1700 Pennsylvania Avenue, N.W., Suite 500
Washington, DC 20006
Alan Robbins, Esq.
arobbins@jsslaw.com
Debra Roby, Esq.
droby@jsslaw.com
Elene Belete
sbelete@jsslaw.com

Counsel for Churchill County, Esmeralda County,
Lander County, Mineral County
Armstrong Teasdale, LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237

Robert F. List, Esq.
E-mail: rlist@armstrongteasdale.com
Jennifer A. Gores, Esq.
E-mail: jgores@armstrongteasdale.com

Nuclear Energy Institute
1776 1 Street, NW Suite 400
Washington, DC 20006-3708

Michael A. Bauser, Esq.
E-mail: mab@nei.org
Anne W. Cottingham, Esq.
E-mail: awc@nei.org
Ellen C. Ginsberg, Esq.
E-mail: ecg@nei.org

Inyo County (CA) Yucca Mountain Nuclear Waste
Repository Assessment Office
P. O. Box 367
Independence, CA 93526-0367
Alisa M. Lembke, Project Analyst
E-mail: alembke@inyocounty.us

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, LSN Coordinator
For Churchill, Eureka, and Lander County
E-mail: lpitchford@comcast.net

California Energy Commission
1516 9th Street
Sacramento, CA 95814
Kevin, W. Bell, Senior Staff Counsel
E-mail: kwbell@energy.state.ca.us

Yucca Mountain Project Licensing Group
DOE/BSC
Regulatory Programs
1180 North Town Center Dr.
Las Vegas, NV 89144
Jeffrey Kriner
E-mail: jeffrey_kriner@ymp.gov
Stephen J. Cereghino
E-mail: stephen_cereghino@ymp.gov

Nye County (NV) Regulatory/Licensing Adv.
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy, Esq.
E-mail: mrmurphy@chamberscable.com
Jeffrey D. VanNiel
E-mail: nbrjdv@gmail.com
Zoie Choate, Secretary
E-mail: zchoate@co.nye.nv.us
Sherry Dudley, Admin. Technical Coordinator
E-mail: sdudley@co.nye.nv.us

Timbisha Shoshone Tribe
Frederick and Peebles, LLP
1001 Second St.
Sacramento, CA 95814
Darcie L. Houck, Esq.
E-mail: dhouch@ndlaw.com
John M. Peebles, Esq.
E-mail: jpeebles@ndlaw.com

Counsel for the Nuclear Energy Institute
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
David A. Repka, Esq.
E-Mail: drepka@winston.com
Carlos L. Sisco, Senior Paralegal
E-Mail: csisco@winston.com

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Steve Frishman, Tech. Policy Coordinator
E-mail: steve.frishman@gmail.com
Susan Lynch
E-mail: szeeee@nuc.state.nv.us

California Department of Justice
Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Timothy E. Sullivan, Deputy Attorney General
Email: Timothy.Sullivan@doj.ca.gov
Michele Mercado, Analyst
Email: Michele.Mercado@doj.ca.gov

Counsel for Nye County, Nevada
530 Farrington Court
Las Vegas, NV 89123
Jeffrey D. VanNiel, Esq.
E-mail: nbrjdv@gmail.com

Talisman International, LLC
1000 Potomac St., NW, Suite 300
Washington, DC 20007
Patricia Larimore, Senior Paralegal
E-mail: plarimore@talisman-intl.com

Timbisha Shoshone Yucca Mountain
Oversight
Program Non-Profit Corporation
3560 Savoy Boulevard
Pahrump, NV 89601
Joe Kennedy
E-mail: joekennedy08@live.com
Tameka Vazquez, Bookkeeper
E-mail: purpose_driven12@yahoo.com

California Department of Justice
Office of the Attorney General
1300 1 Street
P.O. Box 944255
Sacramento, CA 94244-2550
Susan Durbin, Deputy Attorney General
E-mail susan.durbin@doj.ca.gov

U.S. Department of Energy
Bechtel-SAIC
Yucca Mountain Project Licensing Group
6000 Executive Boulevard, Suite 608
North Bethesda, MD 20852

Edward Borella,
E-mail: edward_borella@ymp.gov
Danny R. Howard
E-mail: danny_howard@ymp.gov

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

Abigail Johnson
E-mail: eurekanrc@gmail.com

Bureau of Government Affairs
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701

Marta Adams
E-mail: madams@ag.nv.gov

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
8330 W. Sahara Avenue, #290
Las Vegas, NV 89117
Bryce Loveland, Esq.
E-mail: bloveland@jsslaw.com

California Department of Justice
300 S. Spring Street, Suite 1700
Los Angeles, CA 90013
Brian Hembacher, Deputy Attorney General
Email: brian.hembacher@doj.ca.gov

Counsel for Lincoln County, Nevada
1100 S. Tenth Street
Las Vegas, NV 89017

Bret Whipple, Esq.
E-mail: baileys@lcturbonet.com

Lincoln County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702

Mike Baughman, Consultant
E-mail: BIGBOFF@aol.com

Counsel for Nye County, Nevada
Ackerman Senterfitt
801 Pennsylvania Avenue, NW, #600
Washington, DC 20004

Robert Andersen, Esq.
E-mail: robert.andersen@akerman.com

Lincoln County Nuclear Oversight Program
P.O. Box 1068
Caliente, NV 89008

Connie Simkins, Coordinator
E-mail: jcciac@co.lincoln.nv.us

Beyond Nuclear 6
930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Kevin Kamps
E-mail: kevin@beyondnuclear.org

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

Richard Sears, District Attorney
E-mail: rwsears@wpcde.org

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

Mike Baughman, Consultant
E-mail: BIGBOFF@aol.com

Counsel for Caliente Hot Springs Resort LLC John
H. Huston, Attorney at Law 6772 Running Colors
Avenue
Las Vegas, NV 89131

John H. Huston, Esq.
E-mail: johnnhuston@gmail.com

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

Mike Simon,
E-mail: wpnucwst1@mwpower.net

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

Ian Zabarte
E-mail: mrizabarte@gmail.com

Eureka County, Nevada
Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190

Theodore Beutel
E-mail: tbeutel.ecda@eurekanv.org

Eureka County Public Works
PO Box 714
Eureka, NV 89316
Ronald Damele
E-mail: rdamele@eurekanv.org

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

Edwin Mueller
E-mail: muellered@msn.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



Timothy J. V. Walsh, Esq.
Pillsbury Winthrop Shaw Pittman LLP
Counsel for the Nuclear Energy Institute