

**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
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In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository)

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Docket No. 63-001-HLW

March 10, 2009

NEVADA'S 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 State of Nevada submits the following issues to be considered by CAB01 at the March 12, 2009 Telephonic First Prehearing Conference:

1. Apparent conflict regarding due date for contentions from Petitioners which address DOE LA Updates, between January 15, 2009 Order Addressing Procedural Matters and January 29, 2009 CAB Case Management Order #1.
2. Advise Petitioners what documents will already be available on DDMS at NRC's hearing facility (for the oral arguments scheduled March 31 - April 2) without the necessity for specific prior filing by a party before the hearing date.
3. Whether the use of the discovery methods of interrogatories and depositions upon written questions in this proceeding are limited to the circumstances specified in 10 C.F.R. § 2.1018(a)(2), i.e., only with prior authorization by order of the

presiding officer, and only in the event that the parties are unable to resolve a dispute concerning the production of information after good-faith efforts to do so.

Respectfully submitted,

(signed electronically)

Charles J. Fitzpatrick *

Martin G. Malsch *

John W. Lawrence *

Egan, Fitzpatrick & Malsch, PLLC

12500 San Pedro Avenue, Suite 555

San Antonio, TX 78216

Tel: 210.496.5001

Fax: 210.496.5011

cfitzpatrick@nuclearlawyer.com

*Special Deputy Attorneys General

Dated: March 10, 2009

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon the following persons via the Electronic Information Exchange.

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

CAB 01

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

CAB 02

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

Lawrence G. McDade
Administrative Judge
E-mail: lgm1@nrc.gov
Nicholas G. Trikouros
Administrative Judge
E-mail: NGT@NRC.GOV

CAB 03

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
mark.barnett@nrc.gov

Anthony C. Eitrem, Esq., Chief Counsel

Email: ace1@nrc.gov

Daniel J. Graser, LSN Administrator

Email: djg2@nrc.gov

Lauren Bregman

Email: lrb1@nrc.gov

Sara Culler

Email: sara.culler@nrc.gov

Joseph Deucher

Email: jhd@nrc.gov

Patricia Harich

Email: patricia.harich@nrc.gov

Zachary Kahn

Email: zxk1@nrc.gov

Erica LaPlante

Email: eal1@nrc.gov

Matthew Rotman

Email: matthew.rotman@nrc.gov

Andrew Welkie

Email: axw5@nrc.gov

Jack Whetstone

Email: jgw@nrc.gov

U.S. Nuclear Regulatory Commission

Office of the Secretary of the Commission

Mail Stop - O-16 C1

Washington, DC 20555-0001

Hearing Docket

Email: hearingdocket@nrc.gov

Andrew L. Bates

Email: alb@nrc.gov

Adria T. Byrdsong

Email: atb1@nrc.gov

Emile L. Julian, Esq.

Email: elj@nrc.gov

Evangeline S. Ngbea

Email: esn@nrc.gov

Rebecca L. Giitter

Email: rll@nrc.gov

U.S. Nuclear Regulatory Commission

Office of Comm Appellate Adjudication

Mail Stop - O-16C1

Washington, DC 20555-0001

OCAA Mail Center

Email: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission

Office of the General Counsel

Mail Stop - O-15 D21

Washington, DC 20555-0001

Karen D. Cyr, Esq.

General Counsel

Email: kdc@nrc.gov

Mitzi A. Young, Esq.

Email: may@nrc.gov

Marian L. Zobler, Esq.

Email: mlz@nrc.gov

Andrea L. Silvia, Esq.

Email: alc1@nrc.gov

Daniel Lenehan, Esq.

Email: dwl2@nrc.gov

Margaret J. Bupp, Esq.

Email: mjb5@nrc.gov

Nina E. Bafundo, Esq.

Email: neb1@nrc.gov

Kevin Roach, Esq.

Email: kevin.roach@nrc.gov

Joseph S. Gilman, Paralegal

Email: jsg1@nrc.gov

Karin Francis, Paralegal

Email: kfx4@nrc.gov

OGCMailCenter

Email: OGCMailCenter@nrc.gov

Hunton & Williams LLP

Counsel for the U.S. Department of Energy

Riverfront Plaza, East Tower

951 East Byrd Street

Richmond, VA 23219

Kelly L. Faglioni, Esq.

Email: kfaglioni@hunton.com

Donald P. Irwin, Esq.

Email: dirwin@hunton.com

Michael R. Shebelskie, Esq.

Email: mshebelskie@hunton.com

Pat Slayton

Email: pslayton@hunton.com

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

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue, S.W.
Washington, DC 20585
Martha S. Crosland, Esq.
Email: martha.crosland@hq.doe.gov
Nicholas P. DiNunzio, Esq.
Email: nick.dinunziok@rw.doe.gov
James Bennett McRae
Email: ben.mcrae@hq.doe.gov
Mary B. Neumayr, Esq.
Email: mary.neumayr@hq.doe.gov
Christina C. Pak, Esq.
Email: christina.pak@hq.doe.gov

U.S. Department of Energy
Office of Counsel
Naval Sea Systems Command
Nuclear Propulsion Program
1333 Isaac Hull Avenue, SE
Washington Navy Yard, Building 197
Washington, DC 20376
Frank A. Putzu, Esq.
Email: frank.putzu@navy.mil

Yucca Mountain Project, Licensing Group,
DOE/BSC
1251 Center Crossing Road, M/S 423
Las Vegas, NV 89144
Jeffrey Kriner, Regulatory Programs
Email: jeffrey.kriner@ymp.gov
Stephen J. Cereghino, Licensing/Nucl Safety
Email: stephen_cereghino@ymp.gov

Yucca Mountain Project, Licensing Group,
DOE/BSC
6000 Executive Blvd., Suite 608
North Bethesda, MD 20852
Edward Borella, Sr Staff,
Licensing/Nuclear Safety
Email: edward_borella@ymp.gov
Danny R. Howard, Sr. Licensing Engineer
Email: danny_howard@ymp.gov

U.S. Department of Energy
Office of Civilian Radioactive Waste Mgmt
Office of Repository Development
1551 Hillshire Drive
Las Vegas, NV 89134-6321
Timothy C. Gunter
Email: timothy_gunter@ymp.gov

U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Eric Knox, Associate Director, Systems
Operations and External Relations, OCRWM
Email: eric.knox@hq.doe.gov
Dong Kim, LSN Project Manager, OCRWM
Email: dong.kim@rw.doe.gov

Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Lewis Csedrik, Esq.
Email: lcshedrik@morganlewis.com
Jay Gutierrez, Esq.
Email: jgutierrez@morganlewis.com
Charles B. Moldenhauer, Associate
Email: cmoldenhauer@morganlewis.com
Brian P. Oldham, Esq.
Email: boldham@morganlewis.com
Thomas Poindexter, Esq.
Email: tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
Email: apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
Email: tschmutz@morganlewis.com
Donald Silverman, Esq.
Email: dsilverman@morganlewis.com

Annette M. White, Associate
 Email: c@morganlewis.com
 Paul J. Zaffuts, Esq.
 Email: pzaffuts@morganlewis.com
 Clifford W. Cooper, Paralegal
 Email: ccooper@morganlewis.com
 Shannon Staton, Legal Secretary
 Email: sstaton@morganlewis.com

Carter Ledyard & Milburn, LLP
 Counsel for Lincoln County
 1401 Eye Street, N.W., Suite 300
 Washington, DC 20005
 Barry S. Neuman, Esq.
 Email: neuman@clm.com

Churchill, Esmeralda, Eureka, Mineral
 and Lander Counties
 1705 Wildcat Lane
 Ogden, UT 84403
 Loreen Pitchford, LSN Coordinator
 for Lander County
 Email: lpitchford@comcast.net

Robert List
 Armstrong Teasdale LLP
 1975 Village Center Circle, Suite 140
 Las Vegas, NV 89134-62237
 Email: rlist@armstrongteasdale.com

City of Las Vegas
 400 Stewart Ave.
 Las Vegas, NV 89101
 Margaret Plaster, Management Analyst
 Email: mplaster@LasVegasNevada.gov

Clark County Nuclear Waste Division
 500 S. Grand Central Parkway
 Las Vegas, NV 89155
 Irene Navis
 Email: iln@co.clark.nv.us
 Engelbrecht von Tiesenhausen
 Email: evt@co.clark.nv.us
 Philip Klevorick
 Email: klevorick@co.clark.nv.us

Nuclear Waste Project Office
 1761 East College Parkway, Suite 118
 Carson City, NV 89706
 Bruce Breslow
 Email: breslow@nuc.state.nv.us
 Steve Frishman, Tech. Policy Coordinator
 Email: steve.frishman@gmail.com

Eureka County and Lander County
 Harmon, Curran, Speilberg & Eisenberg
 1726 M. Street N.W., Suite 600
 Washington, DC 20036
 Diane Curran, Esq.
 Email: dcurran@harmoncurran.com

Nevada Nuclear Waste Task Force
 P.O. Box 26177
 Las Vegas, NV 89126
 Judy Treichel, Executive Director
 Email: judyntwf@aol.com

Talisman International, LLC
 1000 Potomac St., N.W., Suite 300
 Washington, D.C. 20007
 Patricia Larimore
 Email: plarimore@talisman-intl.com

Nuclear Energy Institute
 1776 I Street, NW, Suite 400
 Washington, DC 20006-3708
 Michael A. Bauser, Esq.
 Associate General Counsel
 Email: mab@nei.org
 Anne W. Cottingham, Esq.
 Email: awc@nei.org
 Ellen C. Ginsberg, Esq.
 Email: ecg@nei.org
 Rod McCullum
 Email: rxm@nei.org
 Steven P. Kraft
 Email: spk@nei.org
 Jay E. Silberg
 Email: jay.silberg@pillsburylaw.com
 Timothy J.V. Walsh
 Email: timothy.walsh@pillsburylaw.com

White Pine County
 City of Caliente
 Lincoln County
 P.O. Box 126
 Caliente, NV 89008
 Jason Pitts

Email: jayson@idtservices.com

Nuclear Information and Resource Service
 6930 Carroll Avenue, Suite 340
 Takoma Park, MD 20912
 Michael Mariotte, Executive Director
 Email: nirsnet@nirs.org

Radioactive Waste Watchdog
 Beyond Nuclear
 6930 Carroll Avenue, Suite 400
 Takoma Park, MD 20912
 Kevin Kamps
 Email: kevin@beyondnuclear.org

Abigail Johnson
 612 West Telegraph Street
 Carson City, NV 89703
 Email: abbyj@gbis.com

National Congress of American Indians
 1301 Connecticut Ave. NW - Second floor
 Washington, DC 20036
 Robert I. Holden, Director
 Nuclear Waste Program
 Email: robert_holden@ncai.org

Churchill County (NV)
 155 North Taylor Street, Suite 182
 Fallon, NV 89406
 Alan Kalt
 Email: comptroller@churchillcounty.org

Inyo County Water Department
 Yucca Mtn Nuclear Waste
 Repository Assessment Office
 163 May St.
 Bishop, CA 93514
 Matt Gaffney, Project Associate
 Email: mgaffney@inyoyucca.org

Mr. Pat Cecil
 Inyo County Planning Director
 P.O. Box L
 Independence, CA 93526
 Email: pcecil@inyocounty.us

Environmental Protection Agency
 Ray Clark
 Email: clark.ray@epa.gov

Nuclear Waste Technical Review Board
 Joyce Dory
 Email: dory@nwtrb.gov
 Intertech Services Corporation
 (for Lincoln County)
 P.O. Box 2008
 Carson City, NV 89702-2008
 Dr. Mike Baughman
 Email: bigboff@aol.com

Nye County Department of Natural
 Resources & Federal Facilities
 1210 E. Basin Road, Suite 6
 Pahrump, NV 89048
 David Swanson
 Email: dswanson@nyecounty.net

Lincoln County Nuclear Oversight Prgm
 100 Depot Ave., Suite 15; P.O. Box 1068
 Caliente, NV 89008-1068
 Lea Rasura-Alfano, Coordinator
 Email: jcciac@co.lincoln.nv.us

Nye County Regulatory/Licensing Adv.
 18160 Cottonwood Rd. #265
 Sunriver, OR 97707
 Malachy Murphy
 Email: mrmurphy@chamberscable.com

Mineral County Board of Commissioners
 P.O. Box 1600
 Hawthorne, NV 89415
 Linda Mathias, Administrator
 Office of Nuclear Projects
 Email: yuccainfo@mineralcountynv.org

State of Nevada
 100 N. Carson Street
 Carson City, NV 89710
 Marta Adams
 Email: maadams@ag.state.nv.us

White Pine County (NV) Nuclear
 Waste Project Office
 959 Campton Street
 Ely, NV 89301
 Mike Simon, Director
 (Heidi Williams, Adm. Assist.)
 Email: wpnucwstl@mwpower.net

Fredericks & Peebles, L.L.P.
 1001 Second Street
 Sacramento, CA 95814
 916-441-2700
 FAX 916-441-2067
 Darcie L. Houck
 Email: dhouck@ndnlaw.com
 John M. Peebles
 Email: jpeebles@ndnlaw.com
 Joe Kennedy, Chairman
 Email: chairman@timbisha.org
 Barbara Durham
 Tribal Historic Preservation Officer
 Email: dvdurbarbara@netscape.com

Susan Durbin
 Deputy Attorney General
 California Department of Justice
 1300 I St.
 P.O. Box 944255
 Sacramento, CA, 94244-2550
 Email: susan.durbin@doj.ca.gov

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

Timothy E. Sullivan
 Deputy Attorney General
 California Department of Justice
 1515 Clay St., 20th Flr.
 P.O. Box 70550
 Oakland, CA 94612-0550
 Email: timothy.sullivan@doj.ca.gov

Brian Wolfman
 Public Citizen Litigation Group
 1600 20th Street, N.W.
 Washington, D.C. 20009

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

Jeffrey D. VanNiel
 530 Farrington Court
 Las Vegas, NV 89123
 Email: nbridvnr@gmail.com

Ethan I. Strell
 Carter Ledyard & Milburn LLP
 2 Wall Street
 New York, NY 10005
 Email: strell@clm.com

Jennings, Strouss & Salmon, PLC
 1700 Pennsylvania Avenue, N.W., Suite 500
 Washington DC 20006-4725
 Alan I. Robbins
 Email: arobbins@jsslw.com
 Debra D. Roby
 Email: droby@jsslw.com

Steven A. Heinzen
 Godfrey & Kahn, S.C.
 One East Main Street, Suite 500
 P.O. Box 2719
 Madison, WI 53701-2719
 Email: sheinzen@gklaw.com

Douglas M. Poland
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Email: dpoland@gklaw.com

Arthur J. Harrington
Godfrey & Kahn, S.C.
780 N. Water Street
Milwaukee, WI 53202
Email: aharring@gklaw.com

(signed electronically)
Susan Montesi

