ALEXANDER, BERKEY, WILLIAMS & WEATHERS LLP
ATTORNEYS AT LAW
www.abwwlaw.com

2030 ADDISON STREET, SUITE 410
BERKELEY, CALIFORNIA 94704
PH: (510) 548-7070
FAX: (510) 548-7080

1930 18TH STREET N.W., SUITE B2
WASHINGTON, D.C. 20009
PH: (202) 797-2548
FAX: (202) 797-2550

CURTIS G. BERKEY (CA, D.C.)
SCOTT W. WILLIAMS (CA, VA)
THOMAS WEATHERS (CA, WA)
DAVID H. HOUSE (CA, MT)
ROVIANNE A. LEIGH (CA, HI)

PAUL ALEXANDER (D.C.)
ALEXANDRA C. PAGE (D.C.)

May 4, 2009

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09-876-HLW-CAB-01
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09-877-HLW-CAB02
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Nicholas G. Trikouras

ASLBP Board
09-878-HLW-CAB03
Paul S. Ryerson, Chairman
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Mark O. Barnett

RE: LSN Certification-Native Community Action Council

Honorable Members of the Construction Authorization Boards and Presiding Officer:

On the Native Community Action Council's (NCAC) behalf, we note that we have filed the NCAC's first LSN Certification since its initial incomplete certification of December 22, 2008, by Mr. Ian Zabarte. This LSN Certification cures the deficiencies with the initial certification, which occurred when NCAC was not represented by counsel, and designates Ms. Loreen Pitchford as the NCAC's LSN Official.

The NCAC has made diligent efforts, once counsel was retained, to become compliant with the requirements of the LSN. Compliance with the Pre-License Application Presiding Officer (PAPO) Board's Revised Second Case Management Order dated July 6, 2007, was also delayed by LSN matters beyond NCAC's control. The fact that the LSN was undergoing maintenance from April 6, 2009, through April 26, 2009, coupled with the supplemental certifications that were to be filed on or before May 1, 2009, and the indexing of any new documentation for each of the existing LSN collections, further delayed NCAC's ability to submit its LSN Certification on or before May 1, 2009.

The NCAC and its newly designated LSN Official, Ms. Pitchford, have diligently worked towards compliance with 10 C.F.R. § 2.1003(e) and applicable PAPO and CAB Orders since counsel was retained. Accordingly, appended to this filing is the certification of Ms. Loreen Pitchford, the official now responsible for the coordination of the NCAC's efforts to identify and make available documentary material via the LSN.

Respectfully,

ALEXANDER, BERKEY, WILLIAMS & WEATHERS LLP

Scott Williams
Rovianne Leigh
NCAC Counsel

cc: NCAC Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of: U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters)	Docket No. 63-001 ASLBP Nos: 09-876-HLW-CAB-01 09-877-HLW-CAB-02 09-878-HLW-CAB-03

CERTIFICATION OF AVAILABILITY OF NATIVE COMMUNITY ACTION COUNCIL LSN DOCUMENT COLLECTION

Pursuant to 10 C.F.R. § 2.1009(b), as the official responsible for administration of the Native Community Action Council's (NCAC) responsibility to provide electronic files of documentary material, I hereby certify that the NCAC has implemented the procedures specified in 10 C.F.R. § 2.1009(a)(2). I also certify that, to the best of my knowledge, we have identified and made electronically available the documentary materials specified in 10 C.F.R. § 2.1003, in accordance with the requirements of 10 C.F.R. § 2.1011(b).

The NCAC will continue to supplement its LSN collection consistent with NRC's applicable regulations and PAPO Board Orders.

Date: May 4, 2009

Respectfully submitted,

Signed electronically by Loreen Pitchford

Loreen Pitchford
Authorized LSN Official,
Native Community Action Council
NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, Utah 84403
Tel: 801/393-0808
Fax: 801/393-6450
E-mail: nwop@comcast.net

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
U.S. DEPARTMENT OF ENERGY	)	Docket No. 63-001
	)	
(License Application for Geologic Repository	)	
At Yucca Mountain)	)	

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2009, copies of the **CERTIFICATION OF AVAILABILITY OF NATIVE COMMUNITY ACTION COUNSEL LSN DOCUMENT COLLECTION** have been served upon the following persons by the Nuclear Regulatory Commission's Electronic Information Exchange:

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

Chief Administrative Judge
E. Roy Hawkens
E-mail: erh@nrc.gov

Anthony C. Eitreim, Esq. Chief Counsel
E-mail: ace1@.nrc.gov

Licensing Boards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

CAB 01
Atomic Safety and Licensing Board Panel
Williams J. Froehlich, Chair
E-mail: wjf1@nrc.gov
Thomas S. Moore
E-mail: tsm@nrc.gov
Richard E. Wardwell
E-mail: rew@nrc.gov

CAB 02
Atomic Safety and Licensing Board Panel
Michael. M. Gibson, Chair
E-mail: mmg@nrc.gov
Alan S. Rosenthal
E-mail: rsnth1@nrc.gov
Nicholas G. Trikouras
E-mail: ngt@nrc.gov

CAB 03
Atomic Safety and Licensing Board Panel
Paul S. Ryerson, Chair
E-mail: psr1@nrc.gov
Michael C. Farrar
E-mail: mcf@nrc.gov
Mark O. Barnett
E-mail: mob1@nrc.gov; mark.barnett@nrc.gov

U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Daniel H. Fruchter
E-mail: Daniel.Fruchter@nrc.gov
Anthony Baratta
E-mail: ajb5@nrc.gov
Andrew L. Bates
E-mail: alb@nrc.gov
Lauren Bregman
E-mail: lrbl@nrc.gov

U.S. Nuclear Regulatory Commission Office of the Secretary of the Commission Mail Stop 0-16C1
Washington, D.C. 20555-0001

Hearing Docket
E-mail: hearingdocket@nrc.gov

Emile L. Julian, Esq.
E-mail: eli@nrc.gov
Email: Julian@nrc.gov
Rebecca Glitter
E-mail: r11@nrc.gov
E-mail: OGCMailCenter@nrc.gov
E-mail: OCAAMAIL@nrc.gov
Margaret Bupp
E-mail: mjb5@nrc.gov
Sara Culler
E-mail: sara.culler@nrc.gov
Deborah Davidson
E-mail: deborah.davidson@nrc.gov
Joseph Deucher
E-mail: jhd@nrc.gov
Karin Francis
E-mail: kxf4@nrc.gov

U.S. Nuclear Regulatory Commission
Don Frye
E-mail: dxf8@nrc.gov
Pat Hall
E-mail: pth@nrc.gov
Patricia Harich
E-mail: pah@nrc.gov
E. Roy Hawkens
E-mail: erh@nrc.gov
Joseph Gilman
E-mail: jsg1@nrc.gov
Daniel J. Graser
E-mail: dig2@nrc.gov
Nancy Greathead
E-mail: nsg@nrc.gov
Zachary Kahn
E-mail: zxkl@.nrc.gov
David McIntyre
E-mail: David.McIntyre@nrc.gov
Erica LaPlante
E-mail: eall@nrc.gov
Daniel W. Lenehan, Esq.
E-mail: dw12@nrc.gov
Linda Lewis
E-mail: linda.lewis@nrc.gov
Evangeline S. Ngbea
E-mail: esn@nrc.gov
Christine Pierpoint
E-mail: cmp@nrc.gov
Kevin Roach
E-mail: kevin.roach@nrc.gov
Matthew Rotman
E-mail: matthew.rotman@nrc.gov
Tom Ryan
E-mail: Tom.Ryan@nrc.gov
Andrea L. Silvia, Esq.
E-mail: andrea.silvia@nrc.gov
Ivan Valenzuela
E-mail: Ivan.Valenzuela@nrc.gov
Andrew Welkie
E-mail: axw5@nrc.gov
Jack Whetstine
E-mail: jgw@nrc.gov
Mitzi A. Young, Esq.
E-mail: may@nrc.gov
Marian L. Zobler, Esq.
E-mail: mlz@.nrc.gov

U.S. Department of Energy Office of General Counsel
1000 Independence Avenue S.W.
Washington, D.C. 20585
Martha S. Crosland, Esq.
E-mail: Martha.Crosland@hq.doe.gov
Nicholas DiNunzio
E-mail: nick.dinunzio@rw.doe.gov
Christina Pak
E-mail: Christina.Pak@hq.doe.gov
James Bennett McRae
E-mail: Ben.McRae@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

CACI International
Daniel Maerten
E-mail: Daniel.Maerten@caci.com

Egan, Fitzpatrick & Malsch, PLLC
Counsel for the State of Nevada
1750 K Street, N.W., Suite 350
Washington, D.C. 20006
Charles J. Fitzpatrick, Esq.
E-mail: cfitzpatrick@nuclearlawyer.com
Laurie Borski, Paralegal
E-mail: lborski@nuclearlawyer.com
Martin G. Malsch, Esq.
E-mail: mmalsch@nuclearlawyer.com
Susan Montesi

E-mail: smontesi@nuclearlawyer.com
John W. Lawrence
E-mail: jlawrence@nuclearlawyer.com
California Department of Justice
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550
Susan Durbin
Deputy Attorney General
E-mail: susan.durbin@doj.ca.gov
Michele Mercado
E-Mail: michele.mercado@doj.ca.gov

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

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

Talisman International, LLC
1000 Potomac St., NW
Suite 200 Washington, DC 20007
Patricia Larimore, Senior Paralegal
E-mail: plarimore@talisman-intl.com

State of Nevada
Marta Adams
100 North Carson Street
Carson City, NV 89701
E-mail: madams@ag.nv.gov

Lincoln County, Nevada
Connie Simpkins
E-mail: jcciac@co.lincoln.nv.us

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

United States Navy
Naval Sea Systems Command Nuclear Propulsion Program
1333 Isaac Hull Avenue, S.E.
Washington Navy Yard, Building 197
Washington, DC 20376
Frank Putzu, Esq.
E-mail: frank.putzu@.navy.mil

Native Community Action Council
P.O. Box 140
Baker, NV 89311
Ian Zabarte
E-mail: mrizabarte@gmail.com

Armstrong Teasdale, LLP
Counsel for Churchill County, Lander County, Mineral County, and Esmeralda County
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
Robert F. List, Esq.
E-mail: rlist@armstrongteasdale.com **Jennifer A. Gores**
E-mail: jgores@armstrongteasdale.com

Eureka County, NV
Harmon, Curran, Speilberg & Eisenberg 1726 M Street N.W., Suite 600
Washington, D.C. 20036
Diane Curran
E-mail: dcurran@harmoncurran.com
Matthew Fraser
E-mail: mfraser@harmoncurran.com

Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
Michael A. Bauser, Esq.
Associate General Counsel
E-mail: mab@nei.org
Ellen C. Ginsberg, Esq.
E-mail: ecg@nei.org
Anne Cottingham
E-mail: awc@nei.org

Pillsbury Winthrop Shaw Pittman, LLP
Counsel for Nuclear Energy Institute, Inc.
2300 N Street, N.W.
Washington, D.C. 20037-1122
Jay E. Silberg Esq.
E-mail: jay.silberg@pillsburylaw.com
Timothy J. Walsh, Esq.

E-mail: timothy.walsh@pillsburylaw.com
Maria Webb
E-mail: maria.webb@pillsburylaw.com

Winston & Strawn
David A. Repka
E-mail: drepk@winston.com
Carlos L. Sisco
E-mail: csisco@winston.com
William Horin
E-mail: whorin@winston.com
Rachel Miras-Wilson
E-mail: rwilson@winston.com

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

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 Cereghino
E-mail: stephen_cereghino@ymp.gov
Danny Howard
E-mail: danny_howard@ymp.gov
Edward Borella
E-mail: edward_borella@ymp.gov

Fredericks & Peebles, LLP
Counsel for Timbisha Shoshone Tribe
1001 Second Street
Sacramento, CA 95814
Darcie L. Houck, Esq.
E-mail: dhouck@ndnlaw.com
John M. Peebles
E-mail: jpeebles@ndnlaw.com

Nye County
Zoie Choate, Secretary
E-mail: zchoat@co.nye.nv.us
Sherry Dudley, Administrative Technical Coordinator
E-mail: sdudley@co.nye.nv.us

Nye County (NV) Regulatory/ Licensing Adv.
18160 Cottonwood Road. # 265
Sunriver, OR 97707
Malachy Murphy, Esq.
E-mail: mrmurphy@chamberscable.com
and
Jeffrey D. VanNiel (Nye County,NV)
530 Farrington Court
Las Vegas, NV 89133
E-mail: nbrjdvn@gmail.com

Ackerman Senterfitt (Nye County, NV)
801 Pennsylvania Avenue, N.W., #600
Washington, D.C. 20004
Robert M. Anderson
E-mail: robert.anderson@akerman.com

Inyo County, California
Gregory L. James, Esq.
Attorney for the County of Inyo
710 Autumn Leaves Circle
Bishop, California 93514
E-mail: gljames@earthlink.net

Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation
3560 Savoy Boulevard
Pahrump, NV 89061
Joe Kennedy, Exec. Dir., Board Member
E-mail: joekennedy08@live.com

Tameka Vazquez
E-mail: purpose_driven@yahoo.com

Edwin Mueller
E-mail: muellered@msn.com

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

Clark County (NV) Nuclear Waste Div.
500 S. Grand Central Parkway
Las Vegas, NV 89155
Phil Klevorick
E-mail: klevorick@co.clark.nv.us

Clark County, Nevada
500 S. Grand Central Parkway
Las Vegas, NV 89106
Elizabeth A. Vibert,
Deputy District Attorney
E-mail: VibertE@co.clark.nv.us
Jennings Strouss & Salmon, PLC
1700 Pennsylvania Ave, NW, Suite 500
Washington, D.C., 20005
Elene Belete
E-mail: ebelete@jsslaw.com
Marc Gordon
E-mail: mgordon@jsslaw.com
Bryce Loveland
E-mail: bloveland@jsslaw.com
Alan I. Robbins
E-mail: arobbins@jsslaw.com
Debra D. Roby
E-mail: droby@jsslaw.com

Mike Simon
E-mail: wpnucastl@mwpower.net

Kevin Kamps
E-mail: kevin@beyondnuclear.org

White Pine County
White Pine County Dist. Attorney's Office
801 Clark Street, Suite 3
Ely, NV 89301
Richard Sears, District Attorney
E-mail: rwsears@wpcda.org
Ronald Damele
E-mail: rdamele@eurekanv.org
Theodore Beutel
E-mail: tbeutel@eurekanv.org

Caliente Hot Springs Resort, LLC
John H. Huston, Esq.
E-mail: johnhhuston@gmail.com

Abigail Johnson
E-mail: eurekanrc@gmail.com

Susan Lynch
E-mail: slynch1761@gmail.com

Mike Baughman
E-mail: bigboff@aol.com

Morgan, Lewis & Bockius LLP
Counsel for the U.S. Department of Energy
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Donald J. Silverman
E-mail: dsilverman@morganlewis.com
Thomas A. Schmutz
E-mail: tschmutz@morganlewis.com
Thomas C. Poindexter
E-mail: tpoindexter@morganlewis.com
Alex S. Polonsky
E-mail: apolonsky@morganlewis.com
Paul J. Zaffuts
E-mail: pzaffuts@morganlewis.com
Lewis Csedrik
E-mail: lcsedrik@morganlewis.com

Godfrey & Kahn, S.C.
Counsel for Timbisha Shoshone Yucca Mountain Oversight Program
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Julie Dobie
E-mail: jdobie@gklaw.com
Steven A. Heinzen
E-mail: sheinzen@gklaw.com
Arthur J. Harrington
E-mail: aharring@gklaw.com
Douglas M. Poland
E-mail: dpoland@gklaw.com
Jacqueline Schwartz
E-mail: jschwartz@gklaw.com
Hanna Renfro
E-mail: hrenfro@gklaw.com

Signed electronically by Scott W. Williams
Scott W. Williams