

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High-Level Waste Repository)

Docket No. 63-001-HLW

June 24, 2010

**CLARK COUNTY, NEVADA’S AND EUREKA COUNTY, NEVADA’S ANSWER IN
SUPPORT OF STATE OF NEVADA’S PETITION FOR RELIEF WITH RESPECT TO
POSSIBLE ISSUANCE OF A PARTIAL SAFETY EVALUATION REPORT FOR
YUCCA MOUNTAIN**

On June 14, 2010, the State of Nevada (“Nevada”), submitted a Petition for Relief with Respect to Possible Issuance of a Partial Safety Evaluation Report for Yucca Mountain (“Nevada’s Petition”). Clark County, Nevada and Eureka County, Nevada (“the Counties”) hereby submit this Answer in Support of Nevada’s Petition.¹

Nevada calls for a suspension of all NRC Staff efforts to complete and issue Volume 3 of its Safety Evaluation Report (“SER Volume 3”) on the Department of Energy’s (“the DOE”) application to construct a permanent geologic repository at Yucca Mountain. This suspension would continue until a final Commission decision is issued on the DOE’s motion to withdraw its application. The Counties join with Nevada in this request.

Like Nevada, the Counties will be prejudiced if the Staff finalizes and publishes SER Volume 3 and this proceeding is terminated without a hearing. The Counties are concerned with the potential for misuse of the publication of SER Volume 3, which is but a single volume in the multi-volume SER. Clark County reiterates Nevada’s concern that if the proceeding is

¹ Clark County was admitted as a party to this proceeding under 10 C.F.R. § 2.309 and Eureka County was admitted as an Interested Governmental Participant under 10 C.F.R. § 2.315(c).

terminated, it would be irresponsible for any document to be published by the NRC expressing any opinion on the Total System Performance Assessment (“TSPA”) or post-closure safety. Such publications would stand untested and unchallenged, and would necessarily be incomplete.

Eleven of Clark County’s contentions challenging the DOE’s post-closure safety analyses were admitted for adjudication in this proceeding.² Like Nevada, Clark County went to great effort and expense to hire highly qualified experts and to prepare especially detailed statements of expert opinion supporting its contentions. If the DOE’s application is withdrawn and SER Volume 3 is finished and published, there will be no venue to challenge or test NRC Staff’s assertions and opinion, leaving an incomplete discussion of the technical arguments presented in Clark County’s 11 contentions.

While Eureka County did not submit contentions in the Yucca Mountain proceeding, it did identify a number of contentions – including safety contentions that would be addressed by SER Volume 3 – on which it intended to participate.³ Like Clark County, Eureka County has an interest in preventing the issuance of any further government analyses regarding the safety of the proposed Yucca Mountain repository if there is no prospect that those analyses will be subject to the rigors of an adjudicatory hearing. If the DOE’s motion to withdraw its license application is granted, issuance of SER Volume 3 would serve no real purpose and has the potential to harm Eureka County’s interests by providing decision-makers and the public with untested and incorrect information about the post-closure risks posed by the repository.

Granting Nevada’s Petition prejudices no one. It merely seeks a suspension of Staff’s efforts to complete SER Volume 3. Discovery is already suspended. The suspension proposed by Nevada would continue until a final Commission decision is issued on the DOE’s motion to

² See Memorandum and Order (Identifying Participants and Admitted Contentions), at Attachment A (May 11, 2009) (admitting CLK-SAFETY-002 through 011 and CLK-NEPA-001 through 003); Memorandum and Order (Addressing Contentions Filed After Initial Petitions), at 9 and 14 (December 9, 2009) (admitting CLK-SAFETY-013). CLK-SAFETY-002 through 11 and 13 each challenge the DOE’s post-closure safety analyses.

³ See Eureka County’s Notice Regarding Contentions on Which it Intends to Participate (June 23, 2009).

withdraw its application. At that point, if the DOE's motion is granted, the Commission can direct its Staff to permanently cease all efforts to complete and issue all volumes of the SER. If, however, the DOE's motion is denied, NRC Staff's efforts to complete the SER could resume upon notice by the DOE that it will resume its prosecution of the application.

For these reasons and the reasons presented in Nevada's Petition, the Counties respectfully request that the Commission issue an order granting Nevada's Petition for Relief.

Respectfully submitted,

/s/ filed electronically
Alan I. Robbins
Debra D. Roby
Bryce C. Loveland
Jennings, Strouss & Salmon, PLC
1350 I Street, NW, Ste. 810
Washington, D.C. 20005
telephone: (202) 464-0539
email: arobbins@jsslaw.com
email: droby@jsslaw.com
email: bloveland@jsslaw.com
Attorneys for Clark County, Nevada

Diane Curran
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W. Suite 600
Washington, D.C. 20035
(202) 328-3500
email: dcurran@harmoncurran.com
Attorney for Eureka County, Nevada

Dated: June 24, 2010

June 24, 2010

**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)

Docket No. 63-001-HLW

ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Clark County, Nevada's and Eureka County, Nevada's Answer in Support of State of Nevada's Petition for Release with Respect to Possible Issuance of a Partial Safety Evaluation Report for Yucca Mountain have been served on the following persons this 24th day of June, 2010, by Electronic Information Exchange.

CAB 01

William J. Froehlich, Chair
Thomas S. Moore
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Email: wjfl@nrc.gov
tsm2@nrc.gov
rew@nrc.gov

CAB 02

Michael M. Gibson, Chair
Alan S. Rosenthal
Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Email: mmg3@nrc.gov
axr@nrc.gov
ngt@nrc.gov

CAB 03

Paul S. Ryerson, Chair
Michael C. Farrar
Mark O. Barnett
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Email: psr1@nrc.gov
mcf@nrc.gov
mob1@nrc.gov
mark.barnett@nrc.gov

CAB 04

Thomas S. Moore, Chair
Paul S. Ryerson
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Email: tsm2@nrc.gov
psr1@nrc.gov
rew@nrc.gov

U.S. Nuclear Regulatory Commission

Atomic Safety and Licensing Board Panel
Mail Stop-T-3 F23
Washington, D.C. 20555-0001
Administrative Judges
E. Roy Hawkens, Chief Admin. Judge
Email: erh@nrc.gov
Lawrence McDade
Email: lgm1@nrc.gov
Matthew Rotman
Email: matthew.rotman@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
Email: hearingdocket@nrc.gov

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

Anthony Barrata
Email: ajb5@nrc.gov
G. Paul Bollwerk, III
Email: gpb@nrc.gov
Lauren Bregman
Email: lrb1@nrc.gov
Christopher C. Chandler
Email: Christopher.Chandler@nrc.gov
Sara Culler
Email: sara.culler@nrc.gov
Joseph Deucher
Email: jhd@nrc.gov
Anthony C. Eitreich, Esq.
Email: ace1@nrc.gov
Karin Francis, Paralegal
Email: kfx4@nrc.gov
Adam S. Gendelman, Esq.
Email: Adam.Gendelman@nrc.gov
Joseph S. Gilman, Paralegal
Email: jsg1@nrc.gov
Daniel J. Graser
Email: dig2@nrc.gov
Patricia Harich
Email: patricia.harich@nrc.gov
Emile L. Julian, Esq.
Email: elj@nrc.gov; Emile.Julian@nrc.gov
Zachary Kahn
Email: zxk1@nrc.gov

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-0001
Emily Krause
Email: eik1@nrc.gov
Erica LaPlante
Email: eal1@nrc.gov
Daniel W. Lenehan, Esq.
Email: dwl2@nrc.gov
Linda Lewis
Email: linda.lewis@nrc.gov
David McIntyre
Email: David.McIntyre@nrc.gov
Matthew Rotman
Email: matthew.rotman@nrc.gov
Tom Ryan
Email: Tom.Ryan@nrc.gov
Andrea L. Silvia, Esq.
Email: alc1@nrc.gov
Andrew Welkie
Email: axw5@nrc.gov
Jack Whetstone
Email: jgw@nrc.gov
Mitzi A. Young, Esq.
Email: may@nrc.gov
Marian L. Zabler
Email: mlz@nrc.gov

U.S. Nuclear Regulatory Commission

Office of Commission Appellate Adjudication
Mail Stop 0-16C1
Washington, DC 20555-0001
OCA Mail Center
Email: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission

Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
OGC Mail Center
Email: OGCMailCenter@nrc.gov
Jessica A. Bielecki
Email: Jessica.Bielecki@nrc.gov
Elva Bowden Berry
Elva.BowdenBerry@nrc.gov

Counsel for the U.S. Department of Energy

Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Donald J. Silverman, Esq.
Email: dsilverman@morganlewis.com
Alex S. Polonsky, Esq.
Email: apolonsky@morganlewis.com
Jay M. Gutierrez, Esq.
Email: jgutierrez@morganlewis.com
Thomas D. Poindexter, Esq.
Email: tpoindexter@morganlewis.com
Annette M. White, Associate
Email: Annette.white@morganlewis.com
Paul J. Zaffuts, Esq.
Email: pzaffuts@morganlewis.com
Lewis M. Csedrik, Associate
Email: lcsedrik@morganlewis.com
Charles B. Moldenhauer, Associate
Email: cmoldenhauer@morganlewis.com
Brian P. Oldham, Associate
Email: boldham@morganlewis.com
Clifford W. Cooper, Paralegal
Email: ccooper@morganlewis.com
Shannon Staton, Legal Secretary
Email: ssaton@morganlewis.com

Counsel for the U.S. Department of Energy

Hunton & Williams LLP
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
Patricia Slayton, Senior Paralegal
Email: pslayton@hunton.com
Stephane Meharg
Email: smeharg@hunton.com
Belinda Wright
Email: bwright@hunton.com

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.dinunzio@rw.doe.gov
James Bennett McRae
Email: ben.mcrae@hq.doe.gov
Cyrus Nezhad, Esq.
Email: cyrus.nezhad@hq.doe.gov
Christina C. Pak, Esq.
Email: christina.pak@hq.doe.gov

For the U.S. Department of Energy

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

U.S. Department of Energy

Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321
George W. Hellstrom, Esq.
Email: george.hellstrom@ymp.gov
Jocelyn M. Gutierrez, Esq.
Email: jocelyn.gutierrez@ymp.gov
Josephine L. Sommer, Paralegal
Email: josephine.sommer@ymp.gov

U.S. Department of Energy

Bechtel-SAIC
Yucca Mountain Project Licensing Group
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

U.S. Department of Energy

Bechtel-SAIC
Yucca Mountain Project Licensing Group
6000 Executive Boulevard, 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@vmp.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

Counsel for the State of Nevada

Egan, Fitzpatrick, Malsch & Lawrence, PLLC
2001 K Street, NW, Suite 400
Washington, DC 20006
Martin G. Malsch, Esq.
Email: mmalsch@nuclearlawyer.com
Susan Montesi:
Email: smontesi@nuclearlawyer.com

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

Bureau of Government Affairs

Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701
Marta Adams, Chief Deputy
Attorney General
Email: madams@ag.nv.gov

Nevada Agency for Nuclear Projects

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Steve Frishman, Tech. Policy Coordinator
Email: steve.frishman@gmail.com
Susan Lynch, Administrator of
Technical Programs
Email: slynch1761@gmail.com

Counsel for Nye County, Nevada

Ackerman Senterfitt
801 Pennsylvania Avenue, NW, #600
Washington, DC 20004
Robert Andersen, Esq.
Email: robert.andersen@akerman.com

Counsel for Nye County, Nevada

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

Nye County Regulatory/Licensing Advisor

18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy, Esq.
Email: mrmurphv@chamberscable.com

Nye County Nuclear Waste

Repository Project Office (NWRPO)

1210 E. Basin Road, #6
Pahrump, NV 89060
Sherry Dudley, Admin. Technical Coordinator
Email: sdudley@co.nye.nv.us
Zoie Choate, Secretary
Email: zchoate@co.nye.nv.us

Counsel for Clark County, Nevada

Jennings, Strouss & Salmon
1350 I Street , NW, Suite 810
Washington, DC 20005-3305
Alan I. Robbins, Esq.
Email: arobbins@jsslaw.com
Debra D. Roby, Esq.
Email: droby@jsslaw.com

Jennings, Strouss & Salmon
8330 W. Sahara Avenue, #290
Las Vegas, NV 89117
Bryce C. Loveland, Esq.
Email: bloveland@jsslaw.com

Clark County, Nevada

Office of the District Attorney
500 S. Grand Central Parkway
Las Vegas, NV 98155
Elizabeth A. Vibert, Deputy District Attorney
Email: elizabeth.vibert@ccdavn.com
Phil Klevorick, Sr. Mgmt Analyst
Email: klevorick@co.clark.nv.us

Counsel for Lincoln County, Nevada

1100 S. Tenth Street
Las Vegas, NV 89017
Bret Whipple, Esq.
Email: baileys@lcturbonet.com or
Email: bretwhipple@nomademail.com

For Lincoln County, Nevada

Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
Email: bigboff@aol.com

Lincoln County Nuclear Oversight Program

P.O. Box 1068
Caliente, NV 89008
Connie Simkins, Coordinator
Email: jcciac@co.lincoln.nv.us

Lincoln County District Attorney

P.O. Box 60
Pioche, NV 89403
Gregory Barlow, Esq.
Email: lcd@lcturbonet.com

Counsel for Eureka County, Nevada

Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036
Diane Curran, Esq.
Email: dcurran@harmoncurran.com
Matthew Fraser, Law Clerk
Email: mfraser@harmoncurran.com

Eureka County, Nevada

Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190
Theodore Beutel, District Attorney
Email: tbeutel.ecda@eurekanv.org

Nuclear Waste Advisory for Eureka County, Nevada

1983 Maison Way
Carson City, NV 89703
Abigail Johnson, Consultant
Email: eurekanrc@gmail.com

Eureka County Public Works

P.O. Box 714
Eureka, NV 89316
Ronald Damele, Director
Email: rdamele@eurekanv.org

For Eureka County, Nevada

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pritchford, Consultant
Email: lpitchford@comcast.net

Counsel for Churchill, Esmeralda, Lander, and Mineral Counties, Nevada

Armstrong Teasdale, LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
Robert F. List, Esq.
Email: rlist@armstrongteasdale.com
Jennifer A. Gores, Esq.
Email: jgores@armstrongteasdale.com

White Pine County, Nevada

Office of the District Attorney
801 Clark Street. #3
Ely, NV 89301
Richard Sears, District Attorney
Email: rwsears@wpcde.org

For White Pine County, Nevada

Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
Email: bigboff@aol.com

White Pine County Nuclear Waste

Project Office
959 Campton Street
Ely, NV 89301
Mike Simon, Director
Email: wpnucwst1@mwpower.net

Counsel for Inyo County, California

Greg James, Attorney at Law
710 Autumn Leaves Circle
Bishop, CA 93514
Greg James, Esq.
Email: gljames@earthlink.net

Attorney for the County of Inyo

233 East Carrillo Street Suite B
Santa Barbara, California 93101
Michael C. Berger, Esq.
Email: mberger@bsglaw.net
Robert S. Hanna, Esq.
Email: rshanna@bsglaw.net

**Inyo County Yucca Mountain Repository
Assessment Office**

P.O. Box 367
Independence, CA 93526-0367
Alisa M. Lembke, Project Analyst
Email: alemcke@inyocounty.us

**Esmeralda County Repository Oversight
Program**

Yucca Mountain Project
PO Box 490
Goldfield, NV 89013
Edwin Mueller, Director
Email: muellered@msn.com

California Department of Justice

Office of the Attorney General
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2550
Susan Durbin, Deputy Attorney General
Email: susan.durbin@doj.ca.gov
Michele Mercado, Analyst
Email: michele.mercado@doj.ca.gov

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

California Department of Justice

300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
Brian Hembacher, Deputy Attorney General
Email: brian.hembacher@doj.ca.gov

California Energy Commission

1516 Ninth Street
Sacramento, CA 95814
Kevin W. Bell, Senior Staff Counsel
Email: kwbell@energy.state.ca.us

Nuclear Energy Institute

Office of the General Counsel
1776 I Street, NW Suite 400
Washington, DC 20006-3708
Ellen C. Ginsberg, General Counsel
Email: ecg@nei.org
Michael A. Bauser, Deputy General Counsel
Email: mab@nei.org
Anne W. Cottingham, Esq.
Email: awc@nei.org

Counsel for the Nuclear Energy Institute

Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1122
Jay E. Silberg, Esq.
Email: jay.silberg@pillsburylaw.com
Timothy J.V. Walsh, Esq.
Email: timothy.walsh@pillsburylaw.com
Maria D. Webb, Senior Energy Legal Analyst
Email: maria.webb@pillsburylaw.com

Counsel for the Nuclear Energy Institute

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
David A. Repka, Esq.
Email: drepka@winston.com
William A. Horin, Esq.
Email: whorin@winston.com
Rachel Miras-Wilson
Email: rwilson@winston.com
Carlos L. Sisco, Senior Paralegal
Email: csisco@winston.com

Native Community Action Council

P.O. Box 140
Baker, NV 89311
Ian Zabarte, Member of Board of Directors
Email: mrizabarte@gmail.com

Counsel for the Native Community Action Council

Alexander, Berkey, Williams & Weathers LLP
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey, Esq.
Email: cberkey@abwwlaw.com
Rovianne A. Leigh, Esq.
Email: rleigh@abwwlaw.com
Scott W. Williams, Esq.
Email: swilliams@abwwlaw.com

Counsel for Timbisha Shoshone Tribe

Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA 95814
Darcie L. Houck, Esq.
Email: dhouch@ndlaw.com
John M. Peebles, Esq.
Email: jpeebles@ndlaw.com

Timbisha Shoshone Yucca Mountain

Oversight Program Non-Profit Corporation
3560 Savoy Boulevard
Pahrump, NV 89601
Joe Kennedy, Member of Board of Directors and
Executive Director
Email: joekennedy08@live.com
Tameka Vazquez, Bookkeeper
Email: purpose_driven12@yahoo.com

Counsel for Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation

Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Douglas M. Poland, Esq.
Email: dpoland@gklaw.com
Steven A. Heinzen, Esq.
Email: sheinzen@gklaw.com
Hannah L. Renfro, Esq.
Email: hrenfro@gklaw.com
Jacqueline Schwartz, Paralegal
Email: jschwartz@gklaw.com
Julie Dobie, Legal Secretary
Email: jdobie@gklaw.com

Counsel for Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation

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

Counsel for State of South Carolina

Davidson & Lindemann, P.A.
1611 Devonshire Drive, 2nd Floor
P.O. Box 8568
Columbia, SC 29202
William H. Davidson, II
E-mail: [wdavidson@dml-law.com](mailto:w davidson@dml-law.com)
Kenneth P. Woodington
E-mail: kwoodington@dml-law.com

Counsel for State of Washington

State of Washington
Office of the Attorney General
P.O. Box 40117
Olympia, WA 98504-0117
Michael L. Dunning
Assistant Attorney General
Email: MichaelD@atg.wa.gov
H. Lee Overton
Assistant Attorney General
Email: LeeO1@atg.wa.gov
Andrew A. Fitz
Senior Counsel
Email: AnyF@atg.wa.gov

Counsel for Aiken County, South Carolina

Haynesworth Sinkler Boyd, PA
1201 Main Street, Suite 2200
P.O. Box 11889
Columbia, SC 29211-1889
Thomas R. Gottshall, Esq.
Email: tgottshall@hsblawfirm.com
S. Ross Shealy
Email: rshealy@hsblawfirm.com

**Counsel for National Association of
Regulatory Utility Commissioners**

1101 Vermont Avenue NW, Suite 200
Washington, DC 20005
James Bradford Ramsey, General Counsel
Email: jramsay@naruc.org
Robin J. Lunt, Associate General Counsel
Email: rlunt@naruc.org
Deana M. Dennis, Legal Assistant
Email: ddennis@naruc.org

Counsel for Prairie Island Indian Community

5636 Sturgeon Lake Road
Welch, MI 55089
Philip R. Mahowald, General Counsel
Email: pmahowald@piic.org

Counsel for State of Washington

Washington State Attorney General's Office
P.O. Box 40117
Olympia, WA 98504-0117
Jonathan C. Thompson
Email: JonaT@atg.wa.gov
Diana MacDonald
Email: dianam@atg.wa.gov

/s/ filed electronically

Alan I. Robbins
Debra D. Roby
Bryce C. Loveland
Jennings, Strouss & Salmon, PLC
1350 I Street, NW
Suite 810
Washington, D.C. 20005-3305
Tel: (202) 464-0539
Email: arobbins@jsslaw.com
Email: droby@jsslaw.com
Email: bloveland@jsslaw.com
Attorneys for Clark County, Nevada

Dated: June 24, 2010