

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of	)	
	)	
U.S. DEPARTMENT OF ENERGY	)	Docket No. 63-001-HLW
	)	
(High Level Waste Repository)	)	March 10, 2011

**STATE OF NEVADA ANSWER TO DOE MOTION
TO RENEW TEMPORARY SUSPENSION OF PROCEEDING**

The State of Nevada did not oppose DOE's requested suspension, according to its terms, in the proceedings before the Atomic Safety and Licensing Board. Likewise, the State does not oppose DOE's motion before the Commission. However, a fair reading of the Licensing Board's February 25 Memorandum and Order suggests strongly that the State (and other affected parties) must now proceed with costly, and potentially unnecessary, deposition discovery or face the risk that such discovery will be curtailed or be considered waived. Under the NRC's rules, this risk of a highly prejudicial curtailment or loss of discovery persists notwithstanding the pendency of DOE's instant motion.

Respectfully submitted,

Honorable Catherine Cortez Masto
Nevada Attorney General
Marta Adams
Chief, Bureau of Government Affairs
100 North Carson Street
Carson City, Nevada 89701
Tel: 775-684-1237
Email: madams@ag.nv.gov

(signed electronically)

Charles J. Fitzpatrick *

Martin G. Malsch *

John W. Lawrence *

Egan, Fitzpatrick, Malsch & Lawrence, PLLC

1777 N.E. Loop 410, Suite 600

San Antonio, TX 78217

Tel: 210.496.5001

Fax: 210.496.5011

cfitzpatrick@nuclearlawyer.com

mmalsch@nuclearlawyer.com

jlawrence@nuclearlawyer.com

*Special Deputy Attorneys General

Dated: March 10, 2011

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *State of Nevada Response to DOE Motion to Renew Temporary Suspension of Proceeding* has been served upon the following persons by the Electronic Information Exchange:

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
CAB 01

wjfl@nrc.gov

tsm2@nrc.gov

rew@nrc.gov

CAB 02

mmg3@nrc.gov

axr@nrc.gov

NGT@NRC.GOV

CAB 03

psr1@nrc.gov

mcf@nrc.gov

mob1@nrc.gov

mark.barnett@nrc.gov

CAB 04

tsm2@nrc.gov

psr1@nrc.gov

rew@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel

ace1@nrc.gov

djg2@nrc.gov

lrb1@nrc.gov

sara.culler@nrc.gov

jhd@nrc.gov

patricia.harich@nrc.gov

zxk1@nrc.gov

eal1@nrc.gov

matthew.rotman@nrc.gov

axw5@nrc.gov

jgw@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission

hearingdocket@nrc.gov

alb@nrc.gov

atb1@nrc.gov

elj@nrc.gov

esn@nrc.gov

rll@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Comm Appellate Adjudication
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel

may@nrc.gov

mlz@nrc.gov

alc1@nrc.gov

dwl2@nrc.gov

Adam.Gendelman@nrc.gov

jsg1@nrc.gov

kfx4@nrc.gov

Michael.dreher@nrc.gov

Jessica.Bielecki@nrc.gov

Elva.BowdenBerry@nrc.gov

OGCMailCenter@nrc.gov

Michelle.Albert@nrc.gov

Christopher.Hair@nrc.gov

Hunton & Williams LLP
kfaglioni@hunton.com
dirwin@hunton.com
mshebelskie@hunton.com
pslayton@hunton.com

U.S. Department Of Energy
 Office of General Counsel
george.hellstrom@ymp.gov
martha.crosland@hq.doe.gov
nick.dinunziok@rw.doe.gov
ben.mcrae@hq.doe.gov
christina.pak@hq.doe.gov
scott.harris@hq.doe.gov
sean.lev@hq.doe.gov

U.S. Department of Energy
 Office of Counsel
 Naval Sea Systems Command
frank.putzu@navy.mil

U.S. Department of Energy
 USA Repository Services LLC
 Yucca Mountain Project Licensing Group
jeffrey_kriner@ymp.gov
stephen_cereghino@ymp.gov

U.S. Department of Energy
 USA Repository Services LLC
 Yucca Mountain Project Licensing Group
edward_borella@ymp.gov

U.S. Department of Energy
 Office of Civilian Radioactive Waste Mgmt
 Office of Repository Development
timothy_gunter@ymp.gov

U.S. Department of Energy
 OCRWM
eric.knox@hq.doe.gov
dong.kim@rw.doe.gov

Morgan, Lewis, Bockius LLP
lsedrik@morganlewis.com
jguiterrez@morganlewis.com
cmoldenhauer@morganlewis.com
boldham@morganlewis.com

tpoindexter@morganlewis.com
apolonsky@morganlewis.com
tschmutz@morganlewis.com
dsilverman@morganlewis.com
c@morganlewis.com
pzaffuts@morganlewis.com
ccooper@morganlewis.com
sstaton@morganlewis.com
rkuyler@morganlewis.com

Carter Ledyard & Milburn, LLP
 Counsel for Lincoln County
neuman@clm.com

Churchill, Esmeralda, Eureka, Mineral
 and Lander Counties
lpitchford@comcast.net

Armstrong Teasdale LLP
rlist@armstrongteasdale.com

City of Las Vegas
mplaster@LasVegasNevada.gov

Clark County Nuclear Waste Division
iln@co.clark.nv.us
evt@co.clark.nv.us
klevorick@co.clark.nv.us

Nuclear Waste Project Office
breslow@nuc.state.nv.us
steve.fr@hotmail.com

Eureka County and Lander County
 Harmon, Curran, Speilberg & Eisenberg
dcurran@harmoncurran.com

Nevada Nuclear Waste Task Force
judynwtf@aol.com

Talisman International, LLC
plarimore@talisman-intl.com

Nuclear Energy Institute
mab@nei.org
awc@nei.org
ecg@nei.org

rxm@nei.org
spk@nei.org
jay.silberg@pillsburylaw.com
timothy.walsh@pillsburylaw.com

White Pine County
 City of Caliente
 Lincoln County
jayson@idtsservices.com

Nuclear Information and Resource Service
nirsnet@nirs.org

Beyond Nuclear
kevin@beyondnuclear.org

Abigail Johnson
abbyj@gbis.com

National Congress of American Indians
robert_holden@ncai.org

Churchill County (NV)
comptroller@churchillcounty.org

Inyo County Water Department
mgaffney@inyoyucca.org

Inyo County Planning Director
pcecil@inyocounty.us

Robert S. Hanna
rshanna@bsglaw.net

Michael C. Berger
mberger@bsglaw.net

Environmental Protection Agency
clark.ray@epa.gov

Nuclear Waste Technical Review Board
dory@nwtrb.gov

Intertech Services Corporation
bigboff@aol.com

Nye County Department of Natural
 Resources & Federal Facilities
dswanson@nyecounty.net

Lincoln County Nuclear Oversight Prgm
jcciac@co.lincoln.nv.us
 Nye County Regulatory/Licensing Adv.
mrmurphy@chamberscable.com

Nye County Nuclear Waste Repository Project
 Office (NWRPO)
zchoate@co.nye.nv.us
sdudley@co.nye.nv.us

Mineral County Board of Commissioners
yuccainfo@mineralcountynv.org

State of Nevada
madams@ag.state.nv.us

White Pine County (NV) Nuclear
 Waste Project Office
wpnucwst1@mwpower.net

Fredericks & Peebles, L.L.P.
dhouck@ndnlaw.com
jpeebles@ndnlaw.com
chairman@timbisha.org
dvdurbarbara@netscape.com
sthinelk@ndnlaw.com

California Department of Justice
susan.durbin@doj.ca.gov
brian.hembacher@doj.ca.gov
timothy.sullivan@doj.ca.gov

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

California Energy Commission
kwbell@energy.state.ca.us

Robert M. Andersen
robert.andersen@akerman.com

Carter Ledyard & Milburn LLP
strell@clm.com

Jennings, Strouss & Salmon, PLC
arobbins@jsslaw.com
droby@jsslaw.com

Godfrey & Kahn, S.C.
sheinzen@gklaw.com
dpoland@gklaw.com
aharring@gklaw.com

Gregory Barlow
lca@lcturbonet.com

Connie Simkins
jcciac@co.lincoln.nv.us

Bret O. Whipple
bretwhipple@nomademail.com

Richard Sears
rwsears@wpcda.org

Alexander, Berkey, Williams & Weathers
cberkey@abwwlaw.com
swilliams@abwwlaw.com
rleigh@abwwlaw.com

Davidson & Lindemann, P.A.
kwoodington@dml-law.com

Attorney General, State of Washington
leeol@atg.wa.gov
michaeld@atg.wa.gov
andyf@atg.wa.gov
JonaT@atg.wa.gov

Haynsworth Sinkler Boyd, PA
tgottshall@hsblawfirm.com
rshealy@hsblawfirm.com

National Association of Regulatory
 Utility Commissioners
jramsay@naruc.org
rlunt@naruc.org

Prairie Island Indian Community
pmahowald@piic.org

Public Law Resource Center PLLC
donkeskey@publiclawresourcecenter.com

Todd R. Bowers
toddb@atg.wa.gov

(signed electronically)
 Susan Montesi, Paralegal