In the Matter of:

U.S. Department of Energy

Docket No. 63-001

(License Application for Geologic Repository at Yucca Mountain)

NATIVE COMMUNITY ACTION COUNCIL’S MOTION FOR EXTENSION OF TIME

Pursuant to 10 C.F.R. § 2.1026(b)(1), the Native Community Action Council (NCAC) hereby moves for an extension of time of 15 days within which to file its reply to the Answer of the United States Department of Energy (DOE) to the Council’s Petition to intervene as a full party in the above-captioned proceeding. Based on the schedule established by the Commission, the reply is now due on February 24, 2009. The NCAC requests an extension to and including April 8, 2009. As set forth below, the NCAC has good cause for this modest extension of time.

The DOE filed an answer comprising 65 pages of legal argument and factual assertions. Within the past few days, the NCAC has been able to obtain legal counsel to represent it in this proceeding. With the reply due tomorrow, new counsel has had insufficient time to consult with the NCAC, review the license application, review DOE’s answer and prepare a response. A short, 15-day extension will not prejudice the rights of any other party, nor delay the disposition
of this proceeding. It is in the interest of the Commission and the parties to have a thorough and complete response to the DOE’s answer.

This request could not have been filed five days in advance of the filing deadline, due to the unforeseen circumstance of retention of legal counsel within the past few days.

Date: February 23, 2009

Respectfully submitted,

Signed electronically by Ian Zabarte
Ian Zabarte, Board Member
Native Community Action Council
P.O. Box 140
Baker, Nevada 89311
Tel: (702) 460-6232
E-mail: mrizabarte@gmail.com
CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2009, copies of the Native Community Action Council’s Motion for Extension of Time 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

Administrative Judges
Thomas S. Moore
E-mail: tsm2@nrc.gov
G. Paul Bollwerk,
E-mail: gpb@nrc.gov
Anthony C. Eitreim, Esq. Chief Counsel
E-mail: ace1(,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 ; Emile.Julian@nrc.gov
Rebecca Glitter
E-mail: r11@nrc.gov
E-mail: OGCMailCenter@nrc.gov
E-mail: OCAAMAIL@nrc.gov

Margaret Bupp
E-mail: mib5Rnrc.gov

Sara Culler
E-mail: sara.culler@nrc.gov
Deborah Davidson
E-mail: deborah.davidsorQnrc.2ov
Joseph Deucher
E-mail: jhd@nrc.gov

Karin Francis
E-mail: kxf4@nrc.gov

U.S. Nuclear Regulatory Commission
Mail Stop-T-3 F23
Washington, D.C. 20555-0001

Nina Bafundo
E-mail: nebl@nrc.gov
Anthony Baratta
E-mail: ajb5@nrc.gov
Andrew L. Bates
E-mail: alb@nrc.gov
Lauren Bregman
E-mail: lrbl@nrc.gov

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)
California Department of Justice  
1300 1 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

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

Carter Ledyard & Milburn, LLP Counsel for Lincoln County  
2 Wall Street  
New York, New York 10005  
Ethan I. Strell, Esq.  
E-mail: strell@clm.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, NV89311  
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. Bausor, 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@ymc.gov
Stephen Cereghino
E-mail: stephen_cereghino@ymc.gov
Danny Howard
E-mail: danny_howard@ymc.gov
Edward Borella
E-mail: edward_borella@ymc.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: zchoate@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@rnsn.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 Division
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: wpnucastrl@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

Signed electronically by Ian Zabarte
Ian Zabarte