

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-HLW
(High Level Waste Repository)	)	ASLB No. 09-892-HLW-CAB-04
	)	
	)	

NUCLEAR ENERGY INSTITUTE’S ANSWER  
TO THE DEPARTMENT OF ENERGY’S MOTION TO DISMISS  
NEI SAFETY-05

On December 14, 2010, the Safety and Licensing Board (“Licensing Board”) issued a Memorandum and Order entitled “Deciding Phase I Legal Issues and Denying Rule Waiver Petitions.”<sup>1</sup> Among other legal issues, the Licensing Board decided Legal Issue 1. In accordance with the stipulation of the parties, Legal Issue 1 related to one Phase I contention: NEI-SAFETY-05, asserting excessive conservatism in the analysis and design related to criticality control in spent fuel transportation and disposal canisters, resulting in unnecessary radiation doses, environmental impacts, and economic costs. The Licensing Board held that, as a matter of law, the Department of Energy (“DOE”) is not required to take into account NRC requirements for maintaining occupational exposures “as low as reasonably achievable” (“ALARA”), with respect to activities that occur outside of the Yucca Mountain geologic repository operations area (“GROA”). In addition, the Licensing Board decided that the excessive design conservatism and the associated economic and environmental costs asserted in the contention are matters beyond the scope of this licensing proceeding.

---

<sup>1</sup> LBP-10-22, \_\_\_ NRC \_\_\_ (Dec. 14, 2010).

By order dated March 24, 2011, the Licensing Board instructed DOE to file timely dispositive motions regarding the Phase I contentions for which the parties did not jointly stipulate dismissal.<sup>2</sup> On April 8, 2011, DOE filed a motion for summary disposition of NEI-SAFETY-05. DOE takes the position that the Licensing Board's resolution of Legal Issue 1 renders NEI-SAFETY-05 inadmissible as a matter of law.

NEI acknowledges that, as the law of the case, the Licensing Board's Memorandum and Order on legal issues will apply (unless ultimately reversed or modified by the Commission) in this and subsequent phases of this proceeding. The decision does not render the contention inadmissible, given that the contention was previously admitted for hearing, and that admissibility was upheld by the Commission. However, the Licensing Board's ruling would appear to preclude the Licensing Board from providing any remedy in connection with the occupational exposures outside the GROA asserted in NEI-SAFETY-05, or the unnecessary design measures proposed by DOE for criticality control, NEI does not oppose the DOE motion for summary disposition.

NEI reserves its right to appeal the Board's December 14, 2010, Memorandum and Order addressing Legal Issue 1 and summary disposition of NEI-SAFETY-05 at the appropriate time, as governed by the Commission's regulations in 10 CFR § 2.1015.

---

<sup>2</sup> Order (Dismissing Contentions) (March 24, 2011). *See* U.S. Department of Energy's Joint Report in Response to CAB Orders of December 8, 2010 and LBP-10-22 (filed Jan. 21, 2011) and the Nuclear Energy Institute's Position on Effect of Ruling on Phase I Legal Issue 1 (NEI-SAFETY-05) (filed Jan. 21, 2011).

April 18, 2011

Respectfully submitted,

Ellen C. Ginsberg  
General Counsel  
Michael A. Bauser  
Deputy General Counsel  
Nuclear Energy Institute  
1776 I Street, N.W., Suite 400  
Washington, DC 20006  
(202) 739-8140

/s/ signed electronically by  
David A. Repka  
Rachel Miras-Wilson  
Winston & Strawn LLP  
1700 K Street, N.W.  
Washington, DC 20006  
(202) 282-5726  
  
COUNSEL FOR THE  
NUCLEAR ENERGY INSTITUTE

Dated in Washington, D.C.  
this 18th day of April 2011

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-HLW
(High Level Waste Repository)	)	ASLB No. 09-892-HLW-CAB-04
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “Nuclear Energy Institute’s Answer to the Department of Energy’s Motion to Dismiss NEI-SAFETY-05” have been served upon the following persons on this 18<sup>th</sup> day of April 2011 by Electronic Information Exchange.

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

Construction Authorization Board (CAB) 04  
Thomas S. Moore, Chair  
Administrative Judge  
[tsm2@nrc.gov](mailto:tsm2@nrc.gov)  
Paul S. Ryerson  
Administrative Judge  
[psr1@nrc.gov](mailto:psr1@nrc.gov)  
Richard E. Wardwell  
Administrative Judge  
[rew@nrc.gov](mailto:rew@nrc.gov)

Anthony C. Eitrem, Esq., Chief Counsel  
[ace1@nrc.gov](mailto:ace1@nrc.gov)  
Katherine Tucker, Law Clerk  
[katie.tucker@nrc.gov](mailto:katie.tucker@nrc.gov)  
Daniel J. Graser, LSN Administrator  
[djg2@nrc.gov](mailto:djg2@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15D21  
Washington, DC 20555-0001  
Jessica Bielecki, Esq.  
[jessica.bielecki@nrc.gov](mailto:jessica.bielecki@nrc.gov)  
Elva Bowden Berry, Esq.  
[elva.bowdenberry@nrc.gov](mailto:elva.bowdenberry@nrc.gov)  
Karin Francis, Paralegal  
[kxf4@nrc.gov](mailto:kxf4@nrc.gov)  
Joseph S. Gilman, Paralegal  
[jsg1@nrc.gov](mailto:jsg1@nrc.gov)  
Daniel W. Lenehan, Esq.  
[daniel.lenehan@nrc.gov](mailto:daniel.lenehan@nrc.gov)  
Andrea L. Silvia, Esq.  
[alc1@nrc.gov](mailto:alc1@nrc.gov)  
Mitzi A. Young, Esq.  
[may@nrc.gov](mailto:may@nrc.gov)  
OGC Mail Center  
[OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop O-16C1  
Washington, DC 20555-0001  
OCA Mail Center  
[ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
Hearing Docket: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

For 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.  
[frank.putzu@navy.mil](mailto:frank.putzu@navy.mil)

U.S. Department of Energy  
Office of General Counsel  
1000 Independence Avenue S.W.  
Washington, DC 20585  
Martha S. Crosland, Esq.  
[martha.crosland@hq.doe.gov](mailto:martha.crosland@hq.doe.gov)  
Nicholas P. DiNunzio, Esq.  
[nick.dinunzio@rw.doe.gov](mailto:nick.dinunzio@rw.doe.gov)  
Scott Blake Harris, Esq.  
[scott.harris@hq.doe.gov](mailto:scott.harris@hq.doe.gov)  
Sean A. Lev, Esq.  
[sean.lev@hq.doe.gov](mailto:sean.lev@hq.doe.gov)  
James Bennett McRae  
[ben.mcrae@hq.doe.gov](mailto:ben.mcrae@hq.doe.gov)  
Cyrus Nezhad, Esq.  
[cyrus.nezhad@hq.doe.gov](mailto:cyrus.nezhad@hq.doe.gov)  
Christina C. Pak, Esq.  
[christina.pak@hq.doe.gov](mailto:christina.pak@hq.doe.gov)

For U.S. Department of Energy  
Talisman International, LLC  
1000 Potomac St., NW, Suite 300  
Washington, DC 20007  
Patricia Larimore, Senior Paralegal  
[plarimore@talisman-intl.com](mailto:plarimore@talisman-intl.com)

Counsel for U.S. Department of Energy  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave., NW  
Washington, DC 20004  
Clifford W. Cooper, Paralegal  
[ccooper@morganlewis.com](mailto:ccooper@morganlewis.com)  
Lewis M. Csedrik, Associate  
[lcsedrik@morganlewis.com](mailto:lcsedrik@morganlewis.com)  
Charles B. Moldenhauer, Esq.  
[cmoldenhauer@morganlewis.com](mailto:cmoldenhauer@morganlewis.com)  
Thomas D. Poindexter, Esq.  
[tpoindexter@morganlewis.com](mailto:tpoindexter@morganlewis.com)  
Alex S. Polonsky, Esq.  
[apolonsky@morganlewis.com](mailto:apolonsky@morganlewis.com)  
Thomas A. Schmutz, Esq.  
[tschmutz@morganlewis.com](mailto:tschmutz@morganlewis.com)  
Donald J. Silverman, Esq.  
[dsilverman@morganlewis.com](mailto:dsilverman@morganlewis.com)  
Shannon Staton, Legal Secretary  
[sstaton@morganlewis.com](mailto:sstaton@morganlewis.com)  
Annette M. White, Esq.  
[Annette.white@morganlewis.com](mailto:Annette.white@morganlewis.com)  
Paul J. Zaffuts, Esq.  
[pzaffuts@morganlewis.com](mailto:pzaffuts@morganlewis.com)

Counsel for State of Nevada  
Egan, Fitzpatrick & Malsch, PLLC  
1750 K Street, NW, Suite 350  
Washington, DC 20006  
Martin G. Malsch, Esq.  
[mmalsch@nuclearlawyer.com](mailto:mmalsch@nuclearlawyer.com)  
Susan Montesi  
[smontesi@nuclearlawyer.com](mailto:smontesi@nuclearlawyer.com)

Nevada Agency for Nuclear Projects  
Nuclear Waste Project Office  
1761 East College Parkway, Suite 118  
Carson City, NV 89706  
Steve Frishman, Tech. Policy Coordinator  
[steve.frishman@gmail.com](mailto:steve.frishman@gmail.com)  
Susan Lynch, Administrator of Technical Prgms  
[szeeee@nuc.state.nv.us](mailto:szeeee@nuc.state.nv.us)

Counsel for U.S. Department of Energy  
Hunton & Williams LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219  
Kelly L. Faglioni, Esq.  
[kfaglioni@hunton.com](mailto:kfaglioni@hunton.com)  
Donald P. Irwin, Esq.  
[dirwin@hunton.com](mailto:dirwin@hunton.com)  
Stephanie Meharg, Paralegal  
[smeharg@hunton.com](mailto:smeharg@hunton.com)  
Edward P. Noonan, Esq.  
[enoonan@hunton.com](mailto:enoonan@hunton.com)  
Michael R. Shebelskie, Esq.  
[mshebelskie@hunton.com](mailto:mshebelskie@hunton.com)  
Jason Wool, Esq.  
[jwool@hunton.com](mailto:jwool@hunton.com)  
Belinda A. Wright, Sr. Professional Assistant  
[bwright@hunton.com](mailto:bwright@hunton.com)

Counsel for State of Nevada  
Egan, Fitzpatrick & Malsch, PLLC  
1777 N.E. Loop 410, Suite 600  
San Antonio, TX 78217  
Laurie Borski, Paralegal  
[lborski@nuclearlawyer.com](mailto:lborski@nuclearlawyer.com)  
Charles J. Fitzpatrick, Esq.  
[cfitzpatrick@nuclearlawyer.com](mailto:cfitzpatrick@nuclearlawyer.com)  
John W. Lawrence, Esq.  
[jlawrence@nuclearlawyer.com](mailto:jlawrence@nuclearlawyer.com)

Bureau of Government Affairs  
Nevada Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
Marta Adams, Chief Deputy Attorney General  
[madams@ag.nv.gov](mailto:madams@ag.nv.gov)

Counsel for Lincoln County, Nevada  
Whipple Law Firm  
1100 S. Tenth Street  
Las Vegas, NV 89017  
Annie Bailey, Legal Assistant  
[baileys@lcturbonet.com](mailto:baileys@lcturbonet.com)  
Adam L. Gill, Esq.  
[Adam.whipplelaw@yahoo.com](mailto:Adam.whipplelaw@yahoo.com)  
Eric Hinckley, Law Clerk  
[erichinckley@yahoo.com](mailto:erichinckley@yahoo.com)  
Bret Whipple, Esq.  
[bretwhipple@nomademail.com](mailto:bretwhipple@nomademail.com)

Lincoln County Nuclear Oversight Program  
P.O. Box 1068  
Caliente, NV 89008  
Connie Simkins, Coordinator  
[jcciac@co.lincoln.nv.us](mailto:jcciac@co.lincoln.nv.us)

Counsel for Nye County, Nevada  
Ackerman Senterfitt  
801 Pennsylvania Avenue, NW, #600  
Washington, DC 20004  
Robert Andersen, Esq.  
[robert.andersen@akerman.com](mailto:robert.andersen@akerman.com)

Nye County Regulatory/Licensing Advisor  
18160 Cottonwood Rd. #265  
Sunriver, OR 97707  
Malachy Murphy, Esq.  
[mrmurphy@chamberscable.com](mailto:mrmurphy@chamberscable.com)

Clark County, Nevada  
500 S. Grand Central Parkway  
Las Vegas, NV 98155  
Phil Klevorick, Sr. Mgmt Analyst  
[klevorick@co.clark.nv.us](mailto:klevorick@co.clark.nv.us)  
Elizabeth A. Vibert, Deputy District Attorney  
[Elizabeth.Vibert@ccdavnv.com](mailto:Elizabeth.Vibert@ccdavnv.com)

Lincoln County District Attorney  
P. O. Box 60  
Pioche, NV 89403  
Gregory Barlow, Esq.  
[lca@lcturbonet.com](mailto:lca@lcturbonet.com)

For Lincoln County, Nevada  
Intertech Services Corporation  
PO Box 2008  
Carson City, NV 89702  
Mike Baughman, Consultant  
[mikebaughman@charter.net](mailto:mikebaughman@charter.net)

Counsel for Nye County, Nevada  
530 Farrington Court  
Las Vegas, NV 89123  
Jeffrey VanNiel, Esq.  
[nbrjdv@gmail.com](mailto:nbrjdv@gmail.com)

Nye County Nuclear Waste Repository Project  
Office (NWRPO)  
2101 E. Calvada Boulevard, Suite 100  
Pahrump, NV 89048  
Zoie Choate, Secretary  
[zchoate@co.nye.nv.us](mailto:zchoate@co.nye.nv.us)  
Celeste Sandoval, Quality Assurance Records Spec.  
[csandoval@co.nye.nv.us](mailto:csandoval@co.nye.nv.us)

Counsel for Clark County, Nevada  
Jennings, Strouss & Salmon  
8330 W. Sahara Avenue, #290  
Las Vegas, NV 89117  
Bryce Loveland, Esq.  
[bloveland@jsslaw.com](mailto:bloveland@jsslaw.com)

Counsel for Clark County, Nevada  
Jennings, Strouss & Salmon  
1350 I Street, N.W., Suite 810  
Washington, DC 20005-3305  
Alan I. Robbins, Esq.  
[arobbins@jsslaw.com](mailto:arobbins@jsslaw.com)  
Debra D. Roby, Esq.  
[droby@jsslaw.com](mailto:droby@jsslaw.com)

Counsel for Eureka County, Nevada  
Harmon, Curran, Speilberg & Eisenberg, LLP  
1726 M Street N.W., Suite 600  
Washington, DC 20036  
Diane Curran, Esq.  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)  
Matthew Fraser, Law Clerk  
[mfraser@harmoncurran.com](mailto:mfraser@harmoncurran.com)

Nuclear Waste Advisory for Eureka  
County, Nevada  
1983 Maison Way  
Carson City, NV 89703  
Abigail Johnson, Consultant  
[eurekanrc@gmail.com](mailto:eurekanrc@gmail.com)

Counsel for Churchill, Esmeralda, Lander,  
and Mineral Counties, Nevada  
Armstrong Teasdale, LLP  
1975 Village Center Circle, Suite 140  
Las Vegas, NV 89134-6237  
Jennifer A. Gores, Esq.  
[jgores@armstrongteasdale.com](mailto:jgores@armstrongteasdale.com)  
Robert F. List, Esq.  
[rlist@armstrongteasdale.com](mailto:rlist@armstrongteasdale.com)

Mineral County Nuclear Projects Office  
P.O. Box 1600  
Hawthorne, NV 89415  
Linda Mathias, Director  
[yuccainfo@mineralcountynv.org](mailto:yuccainfo@mineralcountynv.org)

White Pine County, Nevada  
Office of the District Attorney  
801 Clark Street, #3  
Ely, NV 89301  
Richard Sears, District Attorney  
[rwsears@wpcda.org](mailto:rwsears@wpcda.org)

Eureka County, Nevada  
Office of the District Attorney  
701 S. Main Street, Box 190  
Eureka, NV 89316-0190  
Theodore Beutel, District Attorney  
[tbeutel.ecda@eurekanv.org](mailto:tbeutel.ecda@eurekanv.org)

Eureka County Public Works  
PO Box 714  
Eureka, NV 89316  
Ronald Damele, Director  
[rdamele@eurekanv.org](mailto:rdamele@eurekanv.org)

For Eureka County, Nevada  
NWOP Consulting, Inc.  
1705 Wildcat Lane  
Ogden, UT 84403  
Loreen Pitchford, Consultant  
[lpitchford@comcast.net](mailto:lpitchford@comcast.net)

Esmeralda County Repository Oversight Program-  
Yucca Mountain Project  
PO Box 490  
Goldfield, NV 89013  
Edwin Mueller, Director  
[muellered@msn.com](mailto:muellered@msn.com)

For City of Caliente, Lincoln County, and  
White Pine County, Nevada  
P.O. Box 126  
Caliente, NV 89008  
Jason Pitts, LSN Administrator  
[jayson@idtservices.com](mailto:jayson@idtservices.com)

White Pine County Nuclear Waste Project Office  
959 Campton Street  
Ely, NV 89301  
Mike Simon, Director  
[wpnucwst1@mwpower.net](mailto:wpnucwst1@mwpower.net)  
Melanie Martinez, Sr. Management Assistant  
[Wpnucwst2@mwpower.net](mailto:Wpnucwst2@mwpower.net)

For White Pine County, Nevada  
Intertech Services Corporation  
PO Box 2008  
Carson City, NV 89702  
Mike Baughman, Consultant  
[mikebaughman@charter.net](mailto:mikebaughman@charter.net)

Counsel for Inyo County, California  
Law Office of Michael Berger  
479 El Sueno Road  
Santa Barbara, CA 93110  
Michael Berger, Esq.  
[michael@lawofficeofmichaelberger.com](mailto:michael@lawofficeofmichaelberger.com)  
Robert Hanna, Esq.  
[robert@lawofficeofmichaelberger.com](mailto:robert@lawofficeofmichaelberger.com)

California Department of Justice  
Office of the Attorney General  
1515 Clay Street, 20<sup>th</sup> Floor, P.O. Box 70550  
Oakland, CA 94612-0550  
Timothy E. Sullivan, Deputy Attorney General  
[timothy.Sullivan@doj.ca.gov](mailto:timothy.Sullivan@doj.ca.gov)

California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
Kevin, W. Bell, Senior Staff Counsel  
[kwbell@energy.state.ca.us](mailto:kwbell@energy.state.ca.us)

Native Community Action Council  
P.O. Box 140  
Baker, NV 89311  
Ian Zabarte, Member of Board of Directors  
[mrizabarte@gmail.com](mailto:mrizabarte@gmail.com)

Counsel for Inyo County, California  
Gregory L. James, Attorney at Law  
712 Owens Gorge Road  
HC 79, Box  
Mammoth Lakes, CA 93546  
E-Mail: [gljames@earthlink.net](mailto:gljames@earthlink.net)

Inyo County Yucca Mountain Repository  
Assessment Office  
P. O. Box 367  
Independence, CA 93526-0367  
Cathreen Richards, Associate Planner  
[crichards@inyocounty.us](mailto:crichards@inyocounty.us)

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  
[susan.durbin@doj.ca.gov](mailto:susan.durbin@doj.ca.gov)  
Michele Mercado, Analyst  
[michele.Mercado@doj.ca.gov](mailto:michele.Mercado@doj.ca.gov)

California Department of Justice  
Office of the Attorney General  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Brian Hembacher, Deputy Attorney General  
[brian.hembacher@doj.ca.gov](mailto:brian.hembacher@doj.ca.gov)  
Counsel for Native Community Action Council  
Alexander, Berkey, Williams & Weathers LLP  
2030 Addison Street, Suite 410  
Berkeley, CA 94704  
Curtis G. Berkey, Esq.  
[cberkey@abwwlaw.com](mailto:cberkey@abwwlaw.com)  
Rovianne A. Leigh, Esq.  
[rleigh@abwwlaw.com](mailto:rleigh@abwwlaw.com)  
Scott W. Williams, Esq.  
[swilliams@abwwlaw.com](mailto:swilliams@abwwlaw.com)

For Joint Timbisha Shoshone Tribal Group  
3560 Savoy Boulevard  
Pahrump, NV 89601  
Joe Kennedy, Executive Director  
[joekennedy08@live.com](mailto:joekennedy08@live.com)  
Tameka Vazquez, Bookkeeper  
[purpose\\_driven12@yahoo.com](mailto:purpose_driven12@yahoo.com)

Counsel for Joint Timbisha Shoshone Tribal Group  
Godfrey & Kahn, S.C.  
One East Main Street, Suite 500  
P. O. Box 2719  
Madison, WI 53701-2719  
Julie Dobie, Legal Secretary  
[jdobie@gklaw.com](mailto:jdobie@gklaw.com)  
Steven A. Heinzen, Esq.  
[sheinzen@gklaw.com](mailto:sheinzen@gklaw.com)  
Douglas M. Poland, Esq.  
[dpoland@gklaw.com](mailto:dpoland@gklaw.com)  
Hannah L. Renfro, Esq.  
[hrenfro@gklaw.com](mailto:hrenfro@gklaw.com)  
Jacqueline Schwartz, Paralegal  
[jschwartz@gklaw.com](mailto:jschwartz@gklaw.com)

Counsel for Joint Timbisha Shoshone Tribal Group  
Fredericks, Peebles, & Morgan LLP  
1001 Second Street  
Sacramento, CA 95814  
Felicia M. Brooks, Data Administrator  
[tbrooks@ndnlaw.com](mailto:tbrooks@ndnlaw.com)  
Ross D. Colburn, Law Clerk  
[rcolburn@ndnlaw.com](mailto:rcolburn@ndnlaw.com)  
Sally Eredia, Legal Secretary  
[seredia@ndnlaw.com](mailto:seredia@ndnlaw.com)  
Darcie L. Houck, Esq.  
[dhouck@ndnlaw.com](mailto:dhouck@ndnlaw.com)  
Brian Niegemann, Office Manager  
[bniegemann@ndnlaw.com](mailto:bniegemann@ndnlaw.com)  
John M. Peebles, Esq.  
[jpeebles@ndnlaw.com](mailto:jpeebles@ndnlaw.com)  
Robert Rhoan, Esq.  
[rrhoan@ndnlaw.com](mailto:rrhoan@ndnlaw.com)

Counsel for Joint Timbisha Shoshone Tribal Group  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, WI 53202  
Arthur J. Harrington, Esq.  
[aharrington@gklaw.com](mailto:aharrington@gklaw.com)

For Joint Timbisha Shoshone Tribal Group  
3560 Savoy Boulevard  
Pahrump, NV 89601  
Joe Kennedy, Executive Director  
[joekennedy08@live.com](mailto:joekennedy08@live.com)  
Tameka Vazquez, Bookkeeper  
[purpose\\_driven12@yahoo.com](mailto:purpose_driven12@yahoo.com)

Counsel for State of South Carolina  
Davidson & Lindemann, P.A.  
1611 Devonshire Drive  
P.O. Box 8568  
Columbia, SC 29202  
Kenneth P. Woodington, Esq.  
[kwoodington@dml-law.com](mailto:kwoodington@dml-law.com)

April 18, 2011

Counsel for State of Washington  
Office of the Attorney General  
P. O. Box 40117  
Olympia, WA 98504-0117  
Todd R. Bowers, Esq.  
[toddb@atg.wa.gov](mailto:toddb@atg.wa.gov)  
Andrew A. Fitz, Esq.  
[andyf@atg.wa.gov](mailto:andyf@atg.wa.gov)  
Michael L. Dunning, Esq.  
[michaeld@atg.wa.gov](mailto:michaeld@atg.wa.gov)  
H. Lee Overton, Esq.  
[leeo1@atg.wa.gov](mailto:leeo1@atg.wa.gov)  
Diana MacDonald  
[dianam@atg.wa.gov](mailto:dianam@atg.wa.gov)  
Sharon Nelson  
[sharonn@atg.wa.gov](mailto:sharonn@atg.wa.gov)

Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32303  
Cynthia Miller, Esq.  
[cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us)

Counsel for National Association of Regulatory  
Utility Commissioners (NARUC)  
1101 Vermont Avenue, Suite 200  
Washington, DC 20005  
James Ramsay, Esq.  
[jramsay@naruc.org](mailto:jramsay@naruc.org)  
Robin Lunt, Esq.  
[rlunt@naruc.org](mailto:rlunt@naruc.org)

Counsel for Aiken County, South Carolina  
Haynsworth Sinkler Boyd, PA  
1201 Main Street, Suite 2200  
P. O. Box 11889  
Columbia, SC 29211-1889  
Thomas R. Gottshall, Esq.  
[tgottshall@hsblawfirm.com](mailto:tgottshall@hsblawfirm.com)  
Ross Shealy, Esq.  
[rshealy@hsblawfirm.com](mailto:rshealy@hsblawfirm.com)

Counsel for Prairie Island Indian Community  
Public Law Resource Center PLLC  
505 N. Capitol Avenue  
Lansing, MI 48933  
Don L. Keskey, Esq.  
[donkeskey@publiclawresourcecenter.com](mailto:donkeskey@publiclawresourcecenter.com)

Prairie Island Indian Community Legal Department  
5636 Sturgeon Lake Road  
Welch, MN 55089  
Philip R. Mahowald, Esq.  
[pmahowald@piic.org](mailto:pmahowald@piic.org)

/s/ signed electronically by

Rachel Miras-Wilson  
Winston & Strawn LLP  
1700 K Street, N.W.  
Washington, DC 20006  
(202) 282-5635

COUNSEL FOR THE  
NUCLEAR ENERGY INSTITUTE

Dated in Washington, D.C.  
this 18th day of April 2011