ORDER

By letter to Chairman Jaczko dated November 13, 2009, the Nuclear Energy Institute (NEI), a party to this proceeding, has requested that the Commission take certain actions with respect to the application at issue, including directing that activities related to this adjudicatory proceeding be suspended. NEI’s request amounts to a motion to suspend the proceeding, and for other relief. Pursuant to 10 C.F.R. § 2.323(b), a motion must be rejected if it does not include a certification by the attorney or representative of the moving party that the movant has made a sincere effort to contact other parties to the proceeding and resolve the issue raised in the motion, and that the movant’s efforts to resolve the issue have been unsuccessful.

Pursuant to my authority under 10 C.F.R. § 2.346(j), the NEI motion is denied for failure to follow the cited regulation.

IT IS SO ORDERED.

For the Commission

[BRACKETS]

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland, this 22nd day of December, 2009.
CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER OF THE SECRETARY (denying the Nuclear Energy Institute's motion that activities related to this adjudicatory proceeding be suspended), dated December 22, 2009, have been served upon the following persons 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

Paul S. Ryerson
Administrative Judge
psr1@nrc.gov

Richard E. Wardwell
Administrative Judge
rew@nrc.gov

Anthony C. Eitreim, Esq., Chief Counsel
ace1@nrc.gov

Daniel J. Graser, LSN Administrator
djg2@nrc.gov
Zachary Kahn, Law Clerk
zvk1@nrc.gov
Erica LaPlante, Law Clerk
eal1@nrc.gov
Matthew Rotman, Law Clerk
matthew.rotman@nrc.gov
Katherine Tucker, Law Clerk
katie.tucker@nrc.gov
Joseph Deucher
jhd@nrc.gov
Andrew Welkie
axw5@nrc.gov
Jack Whetstine
jgw@nrc.gov
Patricia Harich
patricia.harich@nrc.gov
Sara Culler
sara.culler@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC  20555-0001
Margaret J. Bupp, Esq.
mjb5@nrc.gov
Michael G. Dreher, Esq.
michael.dreher@nrc.gov
Karin Francis, Paralegal
kxf4@nrc.gov
Adam Gendelman, Esq.
adam.gendelman@nrc.gov
Joseph S. Gilman, Paralegal
jsq1@nrc.gov
Daniel W. Lenehan, Esq.
daniel.lenehan@nrc.gov
Andrea L. Silvia, Esq.
alc1@nrc.gov
Mitzi A. Young, Esq.
may@nrc.gov
Marian L. Zobler, Esq.
mlz@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-16C1
Washington, DC  20555-0001
OCAA Mail Center
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
ORDER OF THE SECRETARY (denying the Nuclear Energy Institute’s motion that activities related to this adjudicatory proceeding be suspended)

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
Nicholas P. DiNunzio, Esq.
nick.dinunzio@rw.doe.gov
James Bennett McRae
ben.mcrae@hq.doe.gov
Cyrus Nezhad, Esq.
cyrus.nezhad@hq.doe.gov
Christina C. Pak, Esq.
christina.pak@hq.doe.gov

U.S. Department of Energy
Office of Counsel, Naval Sea Systems Command
Nuclear Propulsion Program
1333 Isaac Hull Avenue, SE, Building 197
Washington, DC  20376
Frank A. Putzu, Esq.
frank.putzu@navy.mil

For U.S. Department of Energy
Office of Counsel, Naval Sea Systems Command
Nuclear Propulsion Program
1333 Isaac Hull Avenue, SE, Building 197
Washington, DC  20376
Frank A. Putzu, Esq.
frank.putzu@navy.mil

For U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV  89134-6321
Jocelyn M. Gutierrez, Esq.
jocelyn.gutierrez@ymp.gov
Josephine L. Sommer, Paralegal
josephine.sommer@ymp.gov

For U.S. Department of Energy
Talismen International, LLC
1000 Potomac St., NW, Suite 300
Washington, DC  20007
Patricia Larimore, Senior Paralegal
plarimore@talisman-intl.com

For U.S. Department of Energy
USA-Repository Services LLC
Yucca Mountain Project Licensing Group
1160 N. Town Center Drive, Suite 240
Las Vegas, NV  89144
Stephen J. Cereghino, Licensing/Nucl Safety
stephen.cereghino@ymg.gov
Jeffrey Kriner, Regulatory Programs
jeffrey.kriner@ymg.gov
ORDER OF THE SECRETARY (denying the Nuclear Energy Institute's motion that activities related to this adjudicatory proceeding be suspended)

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
Lewis M. Csedrik, Esq.
lcsedrik@morganlewis.com
Jay M. Gutierrez, Esq.
jgutierrez@morganlewis.com
Charles B. Moldenhauer, Esq.
cmoldenhauer@morganlewis.com
Thomas D. Poindexter, Esq.
tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
tschmutz@morganlewis.com
Donald J. Silverman, Esq.
dsilverman@morganlewis.com
Shannon Staton, Legal Secretary
sstaton@morganlewis.com
Annette M. White, Esq.
Annette.white@morganlewis.com
Paul J. Zaffuts, Esq.
pzaffuts@morganlewis.com

Counsel for State of Nevada
Egan, Fitzpatrick, Malsch & Lawrence, PLLC
1750 K Street, NW, Suite 350
Washington, DC 20006
Martin G. Malsch, Esq.
mmalsch@nuclearlawyer.com
Susan Montesi:
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
Susan Lynch, Administrator of Technical Prgms
szeee@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.
kfglioni@hunton.com
Donald P. Inwin, Esq.
dinwin@hunton.com
Stephanie Meharg, Paralegal
smeharg@hunton.com
Michael R. Shebelskie, Esq.
mshebelskie@hunton.com
Belinda A. Wright, Sr. Professional Assistant
bwright@hunton.com

Counsel for State of Nevada
Egan, Fitzpatrick, Malsch & Lawrence, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
Laurie Borski, Paralegal
lboriski@nuclearlawyer.com
Charles J. Fitzpatrick, Esq.
cfitzpatrick@nuclearlawyer.com
John W. Lawrence, Esq.
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
U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW ORDER OF THE SECRETARY (denying the Nuclear Energy Institute’s motion that activities related to this adjudicatory proceeding be suspended)

Counsel for Lincoln County, Nevada  
1100 S. Tenth Street  
Las Vegas, NV 89017  
Annie Bailey, Legal Assistant  
baileys@lcturbonet.com  
Eric Hinckley, Law Clerk  
erichinckley@yahoo.com  
Bret Whipple, Esq.  
bretwhipple@nomademail.com

Lincoln County District Attorney  
P. O. Box 60  
Pioche, NV 89403  
Gregory Barlow, Esq.  
lcda@lcturbonet.com

Lincoln County Nuclear Oversight Program  
P.O. Box 1068  
Caliente, NV 89008  
Connie Simkins, Coordinator  
jcciac@co.lincoln.nv.us

For Lincoln County, Nevada  
Intertech Services Corporation  
PO Box 2008  
Carson City, NV 89702  
Mike Baughman, Consultant  
mikebaughman@charter.net

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

Counsel for Nye County, Nevada  
530 Farrington Court  
Las Vegas, NV 89123  
Jeffrey VanNiel, Esq.  
nbrjdvn@gmail.com

Nye County Regulatory/Licensing Advisor  
18160 Cottonwood Rd. #265  
Sunriver, OR 97707  
Malachy Murphy, Esq.  
mrmurphy@chamberscable.com

Nye County Nuclear Waste Repository Project Office (NWRPO)  
2101 E. Calvada Boulevard, Suite 100  
Pahrump, NV 89048  
Zoe Choate, Secretary  
zchoate@co.nye.nv.us  
Sherry Dudley, Admin. Technical Coordinator  
sdudley@co.nye.nv.us

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

Counsel for Clark County, Nevada  
Jennings, Strouss & Salmon  
8330 W. Sahara Avenue, #290  
Las Vegas, NV 89117  
Bryce Loveland, Esq.  
bloveland@jsslaw.com
ORDER OF THE SECRETARY (denying the Nuclear Energy Institute's motion that activities related to this adjudicatory proceeding be suspended)

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
1700 Pennsylvania Avenue, NW, Suite 500
Washington, DC 20006-4725
Elene Belte, Legal Secretary
ebelete@jsslaw.com
Alan I. Robbins, Esq.
arobbins@jsslaw.com
Debra D. Roby, Esq.
droby@jsslaw.com

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

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
Matthew Fraser, Law Clerk
mfraser@harmoncurran.com

Eureka County Public Works
PO Box 714
Eureka, NV 89316
Ronald Damele, Director
rdamele@eurekanv.org

Nuclear Waste Advisory for Eureka County, Nevada
1983 Maison Way
Carson City, NV 89703
Abigail Johnson, Consultant
eurekanrc@gmail.com

For Eureka County, Nevada
NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, Consultant
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
Jennifer A. Gores, Esq.
jgores@armstrongteasdale.com
Robert F. List, Esq.
rlist@armstrongteasdale.com

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

Mineral County Nuclear Projects Office
P.O. Box 1600
Hawthorne, NV 89415
Linda Mathias, Director
yuccainfo@mineralcountynv.org

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
ORDER OF THE SECRETARY (denying the Nuclear Energy Institute's motion that activities related to this adjudicatory proceeding be suspended)
ORDER OF THE SECRETARY (denying the Nuclear Energy Institute’s motion that activities related to this adjudicatory proceeding be suspended)

For Joint Timbisha Shoshone Tribal Group
3560 Savoy Boulevard
Pahrump, NV  89601
Joe Kennedy, Executive Director
joekennedy08@live.com
Tameka Vazquez, Bookkeeper
purpose_driven12@yahoo.com

Counsel for Joint Timbisha Shoshone Tribal Group
Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA  95814
Felicia M. Brooks, Data Administrator
fbrooks@ndnlaw.com
Ross D. Colburn, Law Clerk
rcolburn@ndnlaw.com
Sally Eredia, Legal Secretary
seredia@ndnlaw.com
Darcie L. Houck, Esq.
dhouck@ndnlaw.com
Brian Niegemann, Office Manager
bniegemann@ndnlaw.com
John M. Peebles, Esq.
jpeebles@ndnlaw.com
Robert Rhoan, Esq.
rhoan@ndnlaw.com
Shane Thin Elk, Esq.
sthinelk@ndnlaw.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
Steven A. Heinzen, Esq.
sheinzen@gklaw.com
Douglas M. Poland, Esq.
dpoland@gklaw.com
Hannah L. Renfro, Esq.
hrenfro@gklaw.com
Jacqueline Schwartz, Paralegal
jschwartz@gklaw.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

[ Original Signed by Linda D. Lewis ________ ]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of December 2009