In the Matter of)

U.S. DEPARTMENT OF ENERGY ) Docket No. 63-001-HLW
(High-Level Waste Repository) ) ASLBP No. 09-892-HLW-CAB04

NRC STAFF RESPONSE TO
U.S. DEPARTMENT OF ENERGY MOTION TO STAY THE PROCEEDING

On February 1, 2010, the U.S. Department of Energy (DOE) filed a motion to stay the above-captioned proceeding. In its Motion, DOE indicated that (1) it intends to file within 30 days a motion to withdraw the pending license application seeking an authorization to construct a high-level waste geologic repository at Yucca Mountain, Nevada, and (2) it requests a stay of the proceeding (with the exception of filing on questions posed at the January 27, 2010, Case Management Conference) through the disposition of any motion to withdraw by Construction Authorization Board-04 ("the Board"). Motion at 1-2. DOE requested that the Board promptly issue an interim order suspending discovery activities pending its resolution of the Motion in light of the upcoming derivative discovery deadlines associated with depositions scheduled to begin this month. Id. at 2. The Board granted DOE’s request for an interim suspension of discovery on February 2, 2010. The Motion indicates the NRC staff ("Staff") took no position

1 U.S. Department of Energy’s Motion to Stay the Proceeding, dated February 1, 2010 ("Motion").

2 Order (Granting Interim Suspension of Discovery), dated February 2, 2010.
on the Motion. *Id.* at 3.

After reviewing DOE’s filing, the Staff does not oppose the Motion.

Respectfully submitted,

/Signed (electronically) by/

Margaret J. Bupp  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15-D21  
Washington, DC 20555-0001  
(301) 415-3722  
mjb5@nrc.gov

Dated at Rockville, Maryland  
this 2nd day of February, 2010
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )
) Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY )
) ASLBP No. 09-892-HLW-CAB04
(High-Level Waste Repository)

CERTIFICATE OF SERVICE

I hereby certify that copies of the “NRC STAFF RESPONSE TO U.S. DEPARTMENT OF ENERGY MOTION TO STAY THE PROCEEDING” in the above-captioned proceeding have been served on the following persons this 2nd day of February, 2010, by Electronic Information Exchange.

CAB 04
Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: tsm2@nrc.gov
psr1@nrc.gov
rew@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: HEARINGDOCKET@nrc.gov

Office of Commission Appellate Adjudication
ocaamail@nrc.gov

Charles J. Fitzpatrick, Esq.
John W. Lawrence, Esq.
Egan, Fitzpatrick, Malsch & Lawrence PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
E-mail: cfitzpatrick@nuclearlawyer.com
jlawrence@nuclearlawyer.com

Martin G. Malsch, Esq.
Egan, Fitzpatrick & Malsch, PLLC
1750 K Street, N.W. Suite 350
Washington, D.C. 20006
E-mail: mmalsch@nuclearlawyer.com

Brian W. Hembacher, Esq.
Deputy Attorney General
California Attorney General’s Office
300 South Spring Street
Los Angeles, CA 90013
E-mail: brian.hembacher@doj.ca.gov

Timothy E. Sullivan, Esq.
Deputy Attorney General
California Department of Justice
1515 Clay Street, 20th Flr.
P.O. Box 70550
Oakland, CA 94612-0550
E-mail: timothy.sullivan@doj.ca.gov

Kevin W. Bell, Esq.
Senior Staff Counsel
California Energy Commission
1516 9th Street
Sacramento, CA 95814
E-mail: kwbell@energy.state.ca.us
Bryce C. Loveland  
Jennings Strouss & Salmon, PLC  
8330 W. Sahara Avenue, Suite 290  
Las Vegas, NV 89117-8949  
Email: bloveland@jsslaw.com

Alan I. Robbins, Esq.  
Debra D. Roby, Esq.  
Jennings Strouss & Salmon, PLC  
1700 Pennsylvania Ave, NW Suite 500  
Washington, D.C. 20005  
E-mail: arobbins@jsslaw.com  
droby@jsslaw.com

Donald J. Silverman, Esq.  
Thomas A. Schmutz, Esq.  
Thomas C. Poindexter, Esq.  
Paul J. Zaffuts, Esq.  
Alex S. Polonsky, Esq.  
Lewis Csedrik, Esq.  
Raphael P. Kuyler, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
E-mail: dssilverman@morganlewis.com  
tschmutz@morganlewis.com  
tpoindexter@morganlewis.com  
pzaffuts@morganlewis.com  
apolonsky@morganlewis.com  
lcsedrik@morganlewis.com  
rkuyler@morganlewis.com

Malachy R. Murphy, Esq.  
18160 Cottonwood Rd. #265  
Sunriver, OR 97707  
E-mail: mrmurphy@chamberscable.com

Robert M. Andersen  
Akerman Senterfitt  
801 Pennsylvania Avenue N.W., Suite 600  
Washington, DC 20004 USA  
E-mail: robert.andersen@akerman.com

George W. Hellstrom  
U.S. Department of Energy  
Office of General Counsel  
1551 Hillshire Drive  
Las Vegas, NV 89134-6321  
E-Mail: george.hellstrom@ymp.gov

Scott Blake Harris, Esq.  
Sean A. Lev, Esq.  
Martha S. Crosland, Esq.  
Angela M. Kordyak, Esq.  
Nicholas P. DiNunzio  
James Bennett McRae, Esq.  
U.S. Department of Energy  
Office of the General Counsel  
1000 Independence Avenue, S.W.  
Washington, DC 20585  
E-mail: scott.harris@hq.doe.gov  
sean.lev@hq.doe.gov  
martha.crosland@hq.doe.gov  
angela.kordyak@hq.doe.gov  
nick.dinunzio@rw.doe.gov  
ben.mcrae@hq.doe.gov

Susan L. Durbin, Esq.  
Deputy Attorney General  
1300 I Street  
P.O. Box 944255  
Sacramento, CA 94244-2550  
E-mail: susan.durbin@doj.ca.gov

Frank A. Putzu  
Naval Sea Systems Command Nuclear Propulsion Program  
1333 Isaac Hull Avenue, S.E.  
Washington Navy Yard, Building 197  
Washington, DC 20376  
E-mail: frank.putzu@navy.mil

John M. Peebles  
Darcie L. Houck  
Fredericks Peebles & Morgan LLP  
1001 Second Street  
Sacramento, CA 95814  
E-mail: jpeebles@ndnlaw.com  
dhouck@ndnlaw.com

Shane Thin Elk  
Fredericks Peebles & Morgan, LLP  
3610 North 163rd Plaza  
Omaha, Nebraska 68116  
E-mail: sthinelk@ndnlaw.com
Bret O. Whipple
1100 South Tenth Street
Las Vegas, Nevada 89104
E-mail: bretwhipple@nomademail.com

Gregory Barlow
P.O. Box 60
Pioche, Nevada 89043
E-mail: lcda@lcturbonet.com

Connie Simkins
P.O. Box 1068
Caliente, Nevada 89008
E-mail: jcciac@co.lincoln.nv.us

Dr. Mike Baughman
Intertech Services Corporation
P.O. Box 2008
Carson City, Nevada 89702
E-mail: bigoff@aol.com

Michael Berger
Robert S. Hanna
Attorney for the County of Inyo
233 East Carrillo Street Suite B
Santa Barbara, California 93101
E-mail: mberger@bsglaw.net
rshanna@bsglaw.net

/Signed (electronically) by/

Margaret J. Bupp
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
(301) 415-3722
mjb5@nrc.gov