

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

ORDER

On March 27, 2009, the Caliente Hot Springs Resort LLC (CHS) moved to dismiss the U.S. Department of Energy's application for construction authorization of a high-level waste repository at Yucca Mountain, Nevada.

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 in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful.

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

IT IS SO ORDERED.

For the Commission

(NRC SEAL)

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of April, 2009.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER OF THE SECRETARY (Denying Caliente Hot Springs Resort LLC's Motion to Dismiss), dated April 1, 2009, have been served upon the following persons by Electronic Information Exchange.

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