In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository)

Docket No. 63-001-HLW

April 22, 2009

ORDER

(Accepting Joint Representation of Timbisha Shoshone Tribe)

At oral argument on April 1, 2009, counsel for the Timbisha Shoshone Tribe (TIM) and the Timbisha Yucca Mountain Oversight Non-Profit Corporation (TOP) agreed to confer regarding possible joint representation of the Timbisha Shoshone Tribe (Tribe).¹ On April 20, 2009, TIM and TOP filed a Joint Statement Regarding Participation as a Single Entity, accompanied by a Letter of Understanding setting forth their agreement to work together as a single participant in this proceeding.

The Construction Authorization Boards appreciate the efforts put forth by TIM and TOP to reach this agreement. We hereby recognize the Joint Timbisha Shoshone Tribal Group (JTS) as an entity requesting intervention in this proceeding. We also deem that JTS’s contentions include all the contentions proffered by TIM and TOP in their respective petitions to intervene. At this time, however, we do not rule on whether JTS is entitled to party status. The issues of standing, contention admissibility, and LSN compliance will be addressed in the Boards’ forthcoming First Prehearing Conference Order. We wish to make clear, however, that TIM and TOP should proceed henceforth together as a single petitioner known as JTS. Therefore, in

¹ When asked at oral argument, none of the parties or potential parties raised any objection to TIM and TOP filing a supplemental brief addressing representation of the Tribe. See Tr. at 518.
preparing any new or amended contentions on the Commission’s Final Rule published on March 13, 2009,\(^2\) which will be deemed timely if filed within sixty days after the Final Rule was published,\(^3\) or in preparing any new contentions with respect to DOE’s February 19, 2009 updates and supplements to its application, which will be deemed timely if filed within 30 days after the Boards’ issuance of our First Prehearing Conference Order,\(^4\) JTS should identify such contentions as proffered on behalf of JTS. In addition, any new or amended contentions should conform in all respects to the APAP\(\)O Order dated June 20, 2008.\(^5\)

Lastly, we do not require counsel for TOP and TIM to re-submit their notices of appearance or to file a new petition on behalf of JTS.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING BOARDS

\(/\text{RA/}\)

William J. Froehlich, Chairman, CAB-01
ADMINISTRATIVE JUDGE

\(/\text{RA/}\)

Michael M. Gibson, Chairman, CAB-02
ADMINISTRATIVE JUDGE

\(/\text{RA/}\)

Paul S. Ryerson, Chairman, CAB-03
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 22, 2009

\(^5\) See U.S. Dep’t of Energy (High-Level Waste Repository: Pre-Application Matters, Advisory PAPO Board), LBP-08-10, 67 NRC 450 (June 20, 2008).
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High-Level Waste Repository)

) )

Docket No. 63-001-HLW

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Accepting Joint Representation of Timbisha Shoshone Tribe), dated April 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

CAB 01
William J. Froehlich, Chair
Administrative Judge
wif1@nrc.gov

Thomas S. Moore
Administrative Judge
tsm2@nrc.gov

Richard E. Wardwell
Administrative Judge
rew@nrc.gov

CAB 02
Michael M. Gibson, Chair
Administrative Judge
mmg3@nrc.gov

Alan S. Rosenthal
Administrative Judge
axr@nrc.gov or rsnthl@verizon.net

Nicholas G. Trikouros
Administrative Judge
ngt@nrc.gov

CAB 03
Paul S. Ryerson, Chair
Administrative Judge
psr1@nrc.gov

Michael C. Farrar
Administrative Judge
mcf@nrc.gov

Mark O. Barnett
Administrative Judge
mob1@nrc.gov or mark.barnett@nrc.gov

ASLBP (continued)

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

Daniel J. Graser, LSN Administrator
djg2@nrc.gov

Lauren Bregman, Law Clerk
lrb1@nrc.gov

Zachary Kahn, Law Clerk
zxk1@nrc.gov

Emily Krause, Law Clerk
eik1@nrc.gov

Erica LaPlante, Law Clerk
eal1@nrc.gov

Matthew Rotman, Law Clerk
matthew.rotman@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
Counsel for Churchill, Esmeralda, Lander, and Mineral Counties, Nevada
Armstrong Teasdale, LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
Robert F. List, Esq.
odelist@armstrongteasdale.com
Jennifer A. Gores, Esq.
jgores@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

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

White Pine County Nuclear Waste Project Office
959 Campton Street
Ely, NV 89301
Mike Simon, Director
wpnucwst1@mwpower.net

For White Pine County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
bigboff@aol.com

Counsel for Caliente Hot Springs Resort LLC
John H. Huston, Attorney at Law
6772 Running Colors Avenue
Las Vegas, NV 89131
John H. Huston, Esq.
johnhhuston@gmail.com

Counsel for Inyo County, California
Greg James, Attorney at Law
710 Autumn Leaves Circle
Bishop, CA 93514
Greg James, Esq.
E-Mail: gjames@earthlink.net

Inyo County Yucca Mountain Repository Assessment Office
P. O. Box 367
Independence, CA 93526-0367
Alisa M. Lembke, Project Analyst
alembke@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
Michele Mercado, Analyst
michele.Mercado@doj.ca.gov

California Department of Justice Office of the Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Timothy E. Sullivan, Deputy Attorney General
timothy.Sullivan@doj.ca.gov
U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Accepting Joint Representation of Timbisha Shoshone Tribe)

Counsel for Joint Timbisha Shoshone Tribal Group
Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA  95814
Darcie L. Houck, Esq.
dhouck@ndnlaw.com
John M. Peebles, Esq.
jpeebles@ndnlaw.com

For Joint Timbisha Shoshone Tribal Group
3560 Savoy Boulevard
Pahrump, NV  89060
Joe Kennedy, Executive Director
joe.kennedy08@live.com
Tameka Vazquez, Bookkeeper
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
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
Julie Dobie, Legal Secretary
jdobie@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 April 2009