

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Thomas S. Moore, Chairman  
Paul S. Ryerson  
Richard E. Wardwell

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository)

Docket No. 63-001-HLW

ASLBP No. 09-892-HLW-CAB04

September 28, 2011

ORDER

(Dismissing Timbisha Shoshone Tribal Council's Motion)

Before us is the August 26, 2011 motion of the Timbisha Shoshone Tribal Council (Tribal Council) requesting that the Licensing Board recognize the Tribal Council as the duly authorized representative of the Timbisha Shoshone Tribe (Tribe) in this proceeding.<sup>1</sup> The motion also requests that the Board cease recognition of the Joint Timbisha Shoshone Tribal Group (JTS)<sup>2</sup> and that the Board direct the Department of Energy (DOE) "to meet and confer with the [Tribal Council] with regard to the release of federally-appropriated funds dedicated to the Tribe as an AIT [Affected Indian Tribe] in connection with this licensing proceeding."<sup>3</sup>

The NRC Staff does not object to the Board recognizing the Tribal Council as the representative of the Tribe. The Staff asserts, however, that the Board lacks jurisdiction to direct DOE to meet and confer with the Tribal Council concerning federally-appropriated funds and that such request is also beyond the scope of this proceeding.<sup>4</sup> For its part, DOE

---

<sup>1</sup> Timbisha Shoshone Tribe's Motion for Recognition of the Timbisha Shoshone Tribal Council as the Legitimate Representative of the Timbisha Shoshone Tribe (Aug. 26, 2011) [hereinafter Tribal Council Motion].

<sup>2</sup> Id. at 1-2.

<sup>3</sup> Id. at 8.

<sup>4</sup> NRC Staff Response to the Timbisha Shoshone Tribe's August 26, 2011 Motion (Sept. 6, 2011) at 1-3.

expresses no view on the motion's request for the Board to recognize the Tribal Council as the representative of the Tribe, but argues that the Board lacks jurisdiction to direct DOE to meet and confer with the Tribal Council concerning the release of funds to the Tribal Council.<sup>5</sup> No other party filed an answer to the Tribal Council's motion. Of the other parties responding to the Tribal Council's solicitation for its 10 C.F.R. § 2.323(b) statement for its motion, twelve parties took no position on the merits of the motion. The other parties to the proceeding did not respond.<sup>6</sup>

The Tribal Council's motion is dismissed. Because the Tribal Council has never been admitted as a party to the proceeding, the Tribal Council has no standing to file the present motion. The Timbisha Shoshone Tribal Council, as then constituted, joined with the Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation (TSO) after both entities initially filed intervention petitions,<sup>7</sup> seeking to participate in the proceeding as a single entity – the Joint Timbisha Shoshone Tribal Group (JTS).<sup>8</sup> Thereafter, the three Construction Authorization Boards recognized JTS “as an entity requesting intervention in this proceeding” and deemed the contentions filed by both entities in their respective intervention petitions to

---

<sup>5</sup> The Department of Energy's Response to the Timbisha Shoshone Tribal Council's Motion for Recognition as the Legitimate Representative of the Timbisha Shoshone Tribe (Sept. 6, 2011) at 1-3.

<sup>6</sup> Tribal Council Motion at 2-3.

<sup>7</sup> See Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation's Corrected Motion for Leave to File Its Amended Petition to Intervene as a Full Party (Mar. 5, 2009); Amended Petition of the Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation to Intervene as a Full Party (Mar. 5, 2009); Timbisha Shoshone Tribe's Petition for Leave to Intervene in the Hearing (Dec. 22, 2008); Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation Petition to Intervene as a Full Party (Dec. 22, 2008).

<sup>8</sup> Joint Statement of Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation (“TOP”) and Timbisha Shoshone Tribe (“TIM”) Regarding Participation as a Single Entity (Apr. 20, 2009).

have been proffered by JTS.<sup>9</sup> Subsequently, CAB-04 granted party status to JTS.<sup>10</sup> Thus, although JTS has been granted party status, the movant, the Tribal Council, has never been admitted as a party to the proceeding and has no party status independent of JTS. Accordingly, the Tribal Council has no right to file a motion in this proceeding, and any motion addressing the issues raised must be filed by JTS.<sup>11</sup>

In that regard, we note that the continuation of the proceeding after the current fiscal year is, at best, uncertain. In the event the proceeding should continue at some time in the future and the Tribal Council pursues this matter, a motion by JTS to substitute the Tribal Council for JTS would be the appropriate manner in which to proceed. The Board cautions TSO that, as one of the two entities comprising JTS, its cooperation and consent for such a motion can be withheld only for legitimate reasons. Finally, the Board would be remiss in not stating that it has substantial reservations that it has jurisdiction under the Nuclear Waste Policy Act, the Atomic Energy Act, or the Commission's regulations to grant the relief sought against DOE.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

\_\_\_\_\_  
Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 28, 2011

---

<sup>9</sup> CAB Order (Accepting Joint Representation of Timbisha Shoshone Tribe) (Apr. 22, 2009) at 1 (unpublished).

<sup>10</sup> CAB Order (Granting Party Status to the Joint Timbisha Shoshone Tribal Group) (Aug. 27, 2009) at 2 (unpublished); see LBP-09-06, 69 NRC 367, 455 (2009).

<sup>11</sup> We recognize that TSO did not file an answer to the Tribal Council's motion and, according to the Tribal Council's Section 2.323(b) statement, TSO does not oppose the motion. Tribal Council Motion at 3. Nonetheless, because of the nature of the dispute over Tribal leadership between the entities comprising JTS, see, e.g., LBP-09-06, 69 NRC at 427-429, the issue is not one where TSO's failure to file an answer can be deemed by the Board to represent TSO affirmatively joining the Tribal Council's motion. In the circumstances presented, it is not a mere matter of form over substance to insist that a properly admitted party, here JTS, file a motion addressing the matters at hand.

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  
ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Licensing Board **ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**, dated September 28, 2011, 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 04 (CAB04)**

Thomas S. Moore, Chair  
Administrative Judge  
[thomas.moore@nrc.gov](mailto:thomas.moore@nrc.gov)

Paul S. Ryerson  
Administrative Judge  
[paul.ryerson@nrc.gov](mailto:paul.ryerson@nrc.gov)

Richard E. Wardwell  
Administrative Judge  
[richard.wardwell@nrc.gov](mailto:richard.wardwell@nrc.gov)

Anthony C. Eitrem, Esq., Chief Counsel  
[ace1@nrc.gov](mailto:ace1@nrc.gov)  
Joshua A. Kirstein, Law Clerk  
[josh.kirstein@nrc.gov](mailto:josh.kirstein@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)  
Joseph S. Gilman, Paralegal  
[joseph.gilman@nrc.gov](mailto:joseph.gilman@nrc.gov)  
Daniel W. Lenehan, Esq.  
[daniel.lenehan@nrc.gov](mailto:daniel.lenehan@nrc.gov)  
Megan A. Wright, Esq.  
[megan.wright@nrc.gov](mailto:megan.wright@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-7H4M  
Washington, DC 20555-0001  
OCAA 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)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**

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)  
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)

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

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  
Lewis M. Csedrik, Esq.  
[lsedrik@morganlewis.com](mailto:lsedrik@morganlewis.com)  
Raphael P. Kuyler, Esq.  
[rkuyler@morganlewis.com](mailto:rkuyler@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)  
Paul J. Zaffuts, Esq.  
[pzaffuts@morganlewis.com](mailto:pzaffuts@morganlewis.com)

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)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**

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](mailto:mmalsch@nuclearlawyer.com)  
Susan Montesi:  
[smontesi@nuclearlawyer.com](mailto:smontesi@nuclearlawyer.com)

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

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 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)

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

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

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

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**

Clark County, Nevada  
500 S. Grand Central Parkway  
Las Vegas, NV 98155  
Phil Klevatorick, Sr. Mgmt Analyst  
[klevatorick@clarkcountynv.gov](mailto:klevatorick@clarkcountynv.gov)  
Elizabeth A. Vibert, Deputy District Attorney  
[Elizabeth.Vibert@ccdavn.com](mailto:Elizabeth.Vibert@ccdavn.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)  
Alan J. Rukin, Esq.  
[arukin@jsslaw.com](mailto:arukin@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)

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)

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

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)

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

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

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)

Kolesar & Leatham  
1975 Village Center Circle, Suite 140  
Las Vegas, NV 89134  
Robert F. List, Esq.  
[rlist@knevada.com](mailto:rlist@knevada.com)

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

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

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

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**

For White Pine County, Nevada  
Kelly Brown, District Attorney  
801 Clark Street, Suite 3  
Ely, NV 89301  
[kbrown@mwpower.net](mailto:kbrown@mwpower.net)

White Pine Co. Nuclear Waste Project Ofc  
959 Campton Street  
Ely, NV 89301  
Mike Simon, Director  
[wpnucwst1@mwpower.net](mailto:wpnucwst1@mwpower.net)  
Melanie Martinez, Sr. Mgmt. Asst.  
[wpnucwst2@mwpower.net](mailto:wpnucwst2@mwpower.net)

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)

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)

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

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.  
[leo1@atg.wa.gov](mailto:leo1@atg.wa.gov)  
Diana MacDonald  
[dianam@atg.wa.gov](mailto:dianam@atg.wa.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)

California Department of Justice  
Office of the Attorney General  
1300 I Street, PO 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  
1515 Clay Street, 20<sup>th</sup> Fl, PO Box 70550  
Oakland, CA 94612-0550  
Timothy E. Sullivan, Deputy Attorney General  
[timothy.Sullivan@doj.ca.gov](mailto:timothy.Sullivan@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 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)

Counsel for Aiken County, SC  
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)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**

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 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)

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 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)

Nuclear Energy Institute  
Office of the General Counsel  
1776 I Street, NW Suite 400  
Washington, DC 20006-3708  
Jerry Bonanno, Esq.  
[jxb@nei.org](mailto:jxb@nei.org)  
Anne W. Cottingham, Esq.  
[awc@nei.org](mailto:awc@nei.org)  
Ellen C. Ginsberg, Esq.  
[ecg@nei.org](mailto:ecg@nei.org)

Counsel for Nuclear Energy Institute  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, DC 20037-1122  
Jay E. Silberg, Esq.  
[jay.silberg@pillsburylaw.com](mailto:jay.silberg@pillsburylaw.com)  
Timothy J.V. Walsh, Esq.  
[timothy.walsh@pillsburylaw.com](mailto:timothy.walsh@pillsburylaw.com)

Counsel for Nuclear Energy Institute  
Winston & Strawn LLP  
1700 K Street, N.W.  
Washington, DC 20006-3817  
William A. Horin, Esq.  
[whorin@winston.com](mailto:whorin@winston.com)  
Rachel Miras-Wilson, Esq.  
[rwilson@winston.com](mailto:rwilson@winston.com)  
David A. Repka, Esq.  
[drepka@winston.com](mailto:drepka@winston.com)  
Carlos L. Sisco, Senior Paralegal  
[csisco@winston.com](mailto:csisco@winston.com)

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)  
Deana Dennis, Legal Assistant  
[ddennis@naruc.org](mailto:ddennis@naruc.org)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**ORDER (Dismissing Timbisha Shoshone Tribal Council's Motion)**

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](mailto:fbrooks@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)

Fredericks, Peebles, & Morgan LLP  
3610 North 163<sup>rd</sup> Plaza  
Omaha, NE 68116  
Shane Thin Elk, Esq.  
[sthinelk@ndnlaw.com](mailto: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](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)

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  
Indian Village Road, P.O. Box 206  
Death Valley, CA 92328-0206  
Joe Kennedy, Executive Director  
[joekennedy08@live.com](mailto:joekennedy08@live.com)  
Tameka Vazquez, Bookkeeper  
[purpose\\_driven12@yahoo.com](mailto:purpose_driven12@yahoo.com)

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

Dated at Rockville, Maryland  
this 28<sup>th</sup> day September 2011