

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

U.S. DEPARTMENT OF ENERGY

(License Application for Geologic Repository
at Yucca Mountain)

Docket No. 63-001

ASLBP Nos. 09-876-HLW-CAB01
09-877-HLW-CAB02
09-878-HLW-CAB03

April 20, 2009

**JOINT STATEMENT OF TIMBISHA SHOSHONE YUCCA MOUNTAIN OVERSIGHT
PROGRAM NON-PROFIT CORPORATION (“TOP”) AND TIMBISHA SHOSHONE
TRIBE (“TIM”) REGARDING PARTICIPATION AS A SINGLE ENTITY**

Petitioners Timbisha Shoshone Tribe (“TIM”) and Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation (“TOP”) submit this Joint Statement pursuant to the directive from Construction Authorization Board 02 (“CAB02”) of the Atomic Safety and Licensing Board (the “Board”) at the April 1, 2009 oral argument on the admissibility of contentions (*see* 4/1/09 Tr. at 513:1-518:11) and in accordance with the extensions of time to file this Joint Statement that the Board has granted.

As CAB02 directed, the principals of TOP and TIM and their respective counsel have conferred regarding the possibility of participating in this proceeding as a single entity and have reached an agreement to do so. (*See* Attachment A to this Joint Statement.) To avoid confusion, TOP and TIM request that the single entity to which they have agreed be referred to in this proceeding as the Joint Timbisha Shoshone Tribal Group (“JTS”).

On behalf of JTS, the undersigned counsel intend to seek leave to file a Petition to Intervene that will collect in one Petition the contentions of both TIM and TOP. Counsel also

ask the Licensing Board for its guidance as to any other materials previously submitted in this proceeding on behalf of either TIM or TOP—such as appearances of counsel and LSN-related submissions—that the Licensing Board would like re-submitted on behalf of JTS.

Respectfully submitted,

s/ Douglas M. Poland

Arthur J. Harrington
Douglas M. Poland
Steven A. Heinzen
Hannah L. Renfro
Counsel for the Timbisha Shoshone Yucca
Mountain Oversight Program Non-Profit
Corporation (“TOP”)

GODFREY & KAHN, S.C.
One East Main St., Suite 500
P.O. Box 2719
Madison, WI 53701-2710
Telephone: 608-257-3911
Fax: 608-257-0609

Dated in Madison, Wisconsin
this 20th day of April 2009.

Respectfully submitted,

s/ Darcie L. Houck

Darcie L. Houck
Counsel for Timbisha Shoshone Tribe (“TIM”)

FREDERICKS PEEBLES & MORGAN LLP
1001 Second Street
Sacramento, CA 95814
Telephone: 916-441-2700
Fax: 916-441-2067
E-mail: dhouck@ndnlaw.com

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09-878-HLW-CAB03

April 15, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the *Joint Statement of Timbisha Shoshone Yucca Mountain Oversight Program Non-Profit Corporation and Timbisha Shoshone Tribe Regarding Their Willingness to Proceed as a Single Entity* in the above-captioned proceeding have been served on the following persons this 20th day of April 2009, by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board (ASLBP)
Mail Stop-T-3 F23
Washington, D.C. 20555-0001

CAB 01

William J. Froehlich, Chair
Administrative Judge
E-mail: wjf1@nrc.gov

Thomas S. Moore
Administrative Judge
E-mail: tsm2@nrc.gov

Richard E. Wardwell
Administrative Judge
E-mail: rew@nrc.gov

CAB 02

Michael M. Gibson, Chair
Administrative Judge
E-mail: mmg3@nrc.gov

CAB 02 (continued)

Alan S. Rosenthal
Administrative Judge
E-mail: axr@nrc.gov; rsnthl@verizon.net

Nicholas G. Trikouros
Administrative Judge
E-mail: ngt@nrc.gov

CAB 03

Paul S. Ryerson, Chair
Administrative Judge
E-mail: psr1@nrc.gov

Michael C. Farrar
Administrative Judge
E-mail: mcf@nrc.gov

Mark O. Barnett
Administrative Judge
E-mail: mob1@nrc.gov; mark.barnett@nrc.gov

ASLBP (continued)

E. Roy Hawkens, Chief Admin. Judge

E-mail: erh@nrc.gov

Anthony C. Eitrem, Chief Counsel

E-mail: anthony.eitrem@nrc.gov

Daniel J. Graser, LSN Administrator

E-mail: djg2@nrc.gov

Anthony Baratta

E-mail: ajb5@nrc.gov

Andrew L. Bates

E-mail: alb@nrc.gov

G. Paul Bollwek, III

E-mail: gp@nrc.gov

Lauren Bregman

E-mail: lrb1@nrc.gov

Sara Culler

E-mail: sara.culler@nrc.gov

Deborah Davidson

E-mail: deborah.davidson@nrc.gov

Joseph Deucher

E-mail: jhd@nrc.gov

Don Frye

E-mail: dx8@nrc.gov

Rebecca Giitter

E-mail: rl@nrc.gov

Nancy Greathead

E-mail: nancy.greathead@nrc.gov

Pat Hall

E-mail: pth@nrc.gov

Patricia Harich

E-mail: patricia.harich@nrc.gov

Emile Julian

E-mail: elj@nrc.gov; emile.julian@nrc.gov

Zachary Kahn

E-mail: zxk1@nrc.gov

Erica LaPlante

E-mail: eal1@nrc.gov

Linda Lewis

E-mail: linda.lewis@nrc.gov

David McIntyre

E-mail: david.mcintyre@nrc.gov

Evangeline S. Ngbea

E-mail: esn@nrc.gov

Christine Pierpoint

E-mail: cmp@nrc.gov

Matthew Rotman

E-mail: matthew.rotman@nrc.gov

Tom Ryan

E-mail: tom.ryan@nrc.gov

Ivan Valenzuela

E-mail: ivan.valenzuela@nrc.gov

Andrew Welkie

E-mail: axw5@nrc.gov

Jack Whetstone

E-mail: jgw@nrc.gov

**U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission**

Mail Stop O-16 C1

Washington, D.C. 20555-0001

Hearing Docket

E-mail: hearingdocket@nrc.gov

**U.S. Nuclear Regulatory Commission
Office of Comm. Appellate Adjudication**

Mail Stop O-16 C1

Washington, DC 20555-0001

OCAA Mail Center

E-mail: ocaamail@nrc.gov

**U.S. Nuclear Regulatory Commission
Office of the General Counsel**

Mail Stop O-15 D21

Washington, DC 20555-0001

OGC Mail Center

E-mail: ogcmailcenter@nrc.gov

Marian L. Zobler, Esq.

E-mail: mlz@nrc.gov

Mitzi A. Young, Esq.

E-mail: may@nrc.gov

Margaret J. Bupp, Esq.

E-mail: mjb5@nrc.gov

Daniel H. Fruchter, Esq.

E-mail: daniel.fruchter@nrc.gov

Daniel W. Lenehan, Esq.

E-mail: dwl2@nrc.gov

Kevin Roach, Esq.

E-mail: kevin.roach@nrc.gov

Andrea L. Silvia, Esq.

E-mail: alc1@nrc.gov

Karin Francis, Paralegal

E-mail: kxf4@nrc.gov

Joseph S. Gilman, Paralegal

E-mail: jsg1@nrc.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321
George W. Hellstrom, Esq.
E-mail: george.hellstrom@ymp.gov
Jocelyn M. Gutierrez, Esq.
E-mail: jocelyn.gutierrez@ymp.gov
Josephine L. Sommer, Paralegal
E-mail: josephine.sommer@ymp.gov

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue, S.W.
Washington, DC 20585
Martha S. Crosland, Esq.
E-mail: martha.crosland@hq.doe.gov
Nicholas DiNunzio, Esq.
E-mail: nicholas.dinunzio@hq.doe.gov
Angela Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov
James Bennett McRae
E-mail: ben.mcrae@hq.doe.gov
Christina Pak, Esq.
E-mail: christina.pak@hq.doe.gov

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

Nevada Attorney General
Bureau of Government Affairs
100 North Carson Street
Carson City, NV 89710
Marta Adams, Chief Deputy AG
E-mail: madams@ag.nv.gov

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

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

Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074
Donald P. Irwin
E-mail: dirwin@hunton.com
Michael R. Shebelskie
E-mail: mshebelskie@hunton.com
Kelly L. Faglioni
E-mail: kfaglioni@hunton.com
Pat Slayton
E-mail: pslayton@hunton.com

**Yucca Mountain Project Licensing Group
Bechtel-SAIC**
1251 Center Crossing Road, M/S 423
Las Vegas, NV 89144
Jeffrey Kriner, Regulatory Programs
E-mail: jeffrey_kriner@ymp.gov
Stephen Cereghino, Licensing/Nucl Safety
E-mail: stephen_cereghino@ymp.gov

**Yucca Mountain Project Licensing Group
Bechtel-SAIC**
6000 Executive Blvd., Suite 608
North Bethesda, MD 20852
Danny R. Howard, Sr. Licensing Engineer
E-mail: danny_howard@ymp.gov
Edward Borella
Sr. Staff, Licensing/Nuclear Safety
E-mail: edward_borella@ymp.gov

Talisman International, LLC
1000 Potomac St., NW
Suite 200 Washington, DC 20007
Patricia Larimore, Senior Paralegal
E-mail: plarimore@talisman-intl.com

Morgan, Lewis, Bockius LLP
1111 Pennsylvania Ave. N.W.
Washington, DC 20004
Lewis Csedrik, Esq.
E-mail: lcshedrik@morganlewis.com
Jay Gutierrez, Esq.
E-mail: jgutierrez@morganlewis.com
Charles B. Moldenhauer
E-mail: cmoldenhauer@morganlewis.com
Brian P. Oldham, Esq.
E-mail: boldham@morganlewis.com
Thomas Poindexter, Esq.
E-mail: tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
E-mail: apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
E-mail: tschmutz@morganlewis.com
Donald Silverman, Esq.
E-mail: dsilverman@morganlewis.com
Annette M. White
E-mail: annette.white@morganlewis.com
Paul J. Zaffuts, Esq.
E-mail: pzaffuts@morganlewis.com
Clifford W. Cooper, Paralegal
E-mail: ccooper@morganlewis.com
Shannon Staton, Legal Secretary
E-mail: sstaton@morganlewis.com

Counsel for Lincoln County, Nevada
1100 S. Tenth Street
Las Vegas, NV 89104
Bret O. Whipple, Esq.
E-mail: bretwhipple@nomademail.com

Counsel for Lincoln County, Nevada
P.O. Box 60
Pioche, NV 89043
Gregory Barlow, Esq.
Lincoln County District Attorney
E-mail: lcta@lcturbonet.com

**For Lincoln County and White Pine County,
Nevada**
P.O. Box 2008
Carson City, NV 89702
Dr. Mike Baughman
Intertech Services Corporation
E-mail: bigboff@aol.com

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

CACI International
Daniel Maerten
E-mail: dmaerten@caci.com

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

California Energy Commission
1516 9th Street
Sacramento, CA 95814
Kevin W. Bell, Senior Staff Counsel
E-mail: kwbell@energy.state.ca.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
E-mail: susan.durbin@doj.ca.gov
Michele Mercado, Analyst
E-Mail: 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
E-mail: timothy.sullivan@doj.ca.gov

California Department of Justice
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
Brian Hembacher
Deputy Attorney General
E-mail: brian.hembacher@doj.ca.gov

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

Nevada Agency for Nuclear Projects
Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Steve Frishman, Tech. Policy Coordinator
E-mail: steve.frishman@gmail.com
Susan Lynch
E-mail: slynch1761@gmail.com

**Nye County Nuclear Waste Repository
Project Office (NWRPO)**
1210 E. Basin Road #6
Pahrump, NV 89060
Sherry Dudley, Admin. Technical Coordinator
E-mail: sdudley@co.nye.nv.us
Zoie Choate, Secretary
E-mail: zchoate@co.nye.nv.us

Nye County Regulatory/Licensing Advisor
18160 Cottonwood Road. #265
Sunriver, OR 97707
Malachy Murphy, Esq.
E-mail: mrmurphy@chamberscable.com

Counsel for Nye County, Nevada
Jeffrey D. VanNiel
530 Farrington Court
Las Vegas, NV 89133
E-mail: nbrjdv@gmail.com

Ackerman Senterfitt
801 Pennsylvania Avenue N.W. #600
Washington, D.C. 20004
Robert M. Andersen
E-mail: robert.andersen@akerman.com

Native Community Action Council
P.O. Box 140
Baker, NV 89311
Ian Zabarte
E-mail: mrizabarte@gmail.com

**Alexander, Berkey, Williams & Weathers
LLP**
**Counsel for Native Community Action
Council**
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey
E-mail: cberkey@abwwlaw.com
Scott W. Williams
E-mail: swilliams@abwwlaw.com
Rovianne A. Leigh
E-mail: rleigh@abwwlaw.com

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

Armstrong Teasdale, LLP
**Counsel for Churchill, Lander, Mineral, and
Esmeralda Counties, Nevada**
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
Robert F. List, Esq.
E-mail: rlist@armstrongteasdale.com
Jennifer A. Gores, Esq.
E-mail: jgores@armstrongteasdale.com

Nuclear Energy Institute
Office of the General Counsel
1776 Eye Street, NW, Suite 400
Washington, DC 20006-3708
Ellen C. Ginsberg, General Counsel
E-mail: ecg@nei.org
Michael A. Bauser, Deputy General Counsel
E-mail: mab@nei.org
Anne W. Cottingham, Esq.
E-mail: awc@nei.org

Pillsbury Winthrop Shaw Pittman, LLP
Counsel for Nuclear Energy Institute, Inc.
2300 N Street, N.W.
Washington, D.C. 20037-1122
Jay E. Silberg Esq.
E-mail: jay.silberg@pillsburylaw.com
Timothy J. V. Walsh, Esq.
E-mail: timothy.walsh@pillsburylaw.com
Maria D. Webb, Senior Energy Legal Analyst
E-mail: maria.webb@pillsburylaw.com

**Esmeralda County Repository Oversight
Program, Yucca Mountain Project**
P.O. Box 490
Goldfield, NV 89013
Edwin Mueller, Director
E-mail: muellered@msn.com

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

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

**Timbisha Shoshone Yucca Mountain
Oversight Program Non-Profit Corporation**
3560 Savoy Boulevard
Pahrump, NV 89061
Tameka Vazquez
E-mail: purpose_driven12@yahoo.com

Counsel for Caliente Hot Springs Resort LLC
6772 Running Colors Avenue
Las Vegas, NV 89131
John H. Huston, Esq.
E-mail: johnhhuston@gmail.com

Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912
Kevin Kamps
E-mail: kevin@beyondnuclear.org

Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M Street N.W., Suite 600
Washington, D.C. 20036
Diane Curran, Esq.
E-mail: dcurran@harmoncurran.com
Matthew Fraser, Law Clerk
E-mail: mfraser@harmoncurran.com

Eureka County, Nevada
Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190
Theodore Beutel, District Attorney
E-mail: tbeutel.ecda@eurekanv.org

Eureka County Public Works
P.O. Box 714
Eureka, NV 89316
Ronald Damele, Director
E-mail: rdamele@eurekanv.org

Nuclear Waste Advisory for Eureka Co.
1983 Maison Way
Carson City, NV 89703
Abigail Johnson, Consultant
E-mail: eurekanrc@gmail.com

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, LSN Coordinator
E-mail: lpitchford@comcast.net

Clark County (NV) Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 89155
Elizabeth A. Vibert, Deputy District Attorney
E-mail: elizabeth.vibert@ccdanv.com
Phil Klevorick, Sr. Mgmt. Analyst
E-mail: klevorick@co.clark.nv.us

Jennings Strouss & Salmon, PLC
1700 Pennsylvania Ave N.W., Suite 500
Washington, D.C., 20006-4725
Alan I. Robbins, Esq.
E-mail: arobbins@jsslaw.com
Debra D. Roby, Esq.
E-mail: droby@jsslaw.com
Elene Belete, Legal Secretary
E-mail: ebelete@jsslaw.com

Jennings Strouss & Salmon
8330 W. Sahara Avenue #290
Las Vegas, NV 89117
Bryce Loveland, Esq.
E-mail: bloveland@jsslaw.com

Dated this 20th day of April 2009.

/signed (electronically) by/
Steven A. Heinzen

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