



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 30, 2010

SECRETARY

The Honorable Mike Hewitt  
Washington State Legislature  
Senate Republican Leader  
Legislative Building  
Olympia, Washington 98504-0482

Dear Senator Hewitt:

I am responding to your letter to Chairman Jaczko and the Commission, dated July 16, 2010, relating to the pending adjudicatory proceeding that is associated with the U.S. Department of Energy's (DOE) application for the proposed Yucca Mountain high-level waste repository. Among other things, you state your support for the repository, and your request that the Commission approve the decision of the Construction Authorization Board denying DOE's motion to withdraw the construction authorization application.

Your letter addresses matters which the Commission has under advisement in its adjudicatory capacity, and which it will decide with due consideration to applicable law. Given the pendency of the adjudicatory proceeding, therefore, the Commission cannot discuss or comment on issues involved in this matter, including those raised in your letter.

A copy of your letter and this response will be served on the participants in the Yucca Mountain proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", with a long horizontal flourish extending to the right.

Annette L. Vietti-Cook

cc: Service List



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 30, 2010

SECRETARY

The Honorable Jim Honeyford  
Washington State Legislature  
Ranking Republican  
Environment, Water and Energy Committee  
Legislative Building  
Olympia, Washington 98504-0482

Dear Senator Honeyford:

I am responding to your letter to Chairman Jaczko and the Commission, dated July 16, 2010, relating to the pending adjudicatory proceeding that is associated with the U.S. Department of Energy's (DOE) application for the proposed Yucca Mountain high-level waste repository. Among other things, you state your support for the repository, and your request that the Commission approve the decision of the Construction Authorization Board denying DOE's motion to withdraw the construction authorization application.

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A copy of your letter and this response will be served on the participants in the Yucca Mountain proceeding.

Sincerely,

A handwritten signature in black ink that reads "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Service List



## Washington State Legislature

July 16, 2010

Chairman Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16G4  
Washington, DC 20555-0001

Dear Chairman Jaczko and Commissioners:

Earlier this month, the Nuclear Regulatory Commission's Atomic Safety and Licensing Board ruled the U.S. Department of Energy could not unilaterally cancel the long-term, high-level nuclear waste repository at Yucca Mountain, Nevada.

Rather, the board declared that any such move necessitated public hearings and a final decision from the full Commission.

Like most Americans, we are relieved to learn that no sitting Administration – Republican or Democrat – can simply override Congress and shut down a state-of-the-art facility this country has waited more than 20 years to see and paid more than \$14 billion to build.

In fact, U.S. electricity ratepayers have paid an additional \$21 billion into a Department of Energy fund, which by contractual obligation, must deliver a national nuclear waste storage facility. A federal court has already held that the United States has breached its obligation to remove the waste from power plants. Each year a decision is deferred, the liability climbs. By 2020, the DOE may face an estimated \$11 billion in damages for continued failure to provide this service. With the federal government going further into debt each day, this is something our country can't afford.

According to the board's ruling, Congress can change the law, but no Administration can simply choose to ignore it. We are gratified to see that reason has triumphed – at least for now.

We are concerned, however, about the precedent of a sitting administration being allowed to unilaterally discard the nation's nuclear waste policy with the stroke of a pen. What would stop a future President from abandoning our nation's next plan? How much more would then be spent on dead ends if the process could be discarded at any administration's whim?

Yucca Mountain is the state-of-the-art solution to the challenge of storing nuclear waste. It took 20 years of scientific study for Congress to agree on this location. In 2002, Congress designated



Yucca Mountain as the nation's only repository site for deep geological disposal of high-level radioactive waste and spent nuclear fuel.

But Yucca Mountain can be so much more than that. It is the future of America's potential to produce limitless, clean, low-cost energy. Why? Because instead of simply storing nuclear waste, Yucca Mountain could use advanced technology to reprocess nuclear waste, eliminating as much as 90 percent of the material. In fact, modern nuclear technology delivers very little true "waste" since most of that waste can be repeatedly reused, leaving only a tiny amount to be safely stored.

Yucca Mountain could also be designated as a national laboratory, receiving stable funding from the Department of Energy for research and development in addition to its role as the nation's geologic repository. To eliminate Yucca Mountain from further consideration as a repository also disregards its research and economic potential for the State of Nevada and our nation as a whole.

America's nuclear sites are counting on both of Yucca Mountain's abilities: reprocessing and storage. The Hanford site in eastern Washington is currently constructing a multi-billion-dollar vitrification plant specifically designed to meet Yucca Mountain specifications. Other national labs have spent countless millions on long-term spent nuclear fuel and high-level waste plans assuming Yucca Mountain will eventually be open for business.

This same scenario is played out at nuclear sites around America. Every year existing nuclear plants turn out another 2,000 tons of waste. All are waiting for the long-promised repository. We need help now – not tomorrow or in another 10 or 20 years.

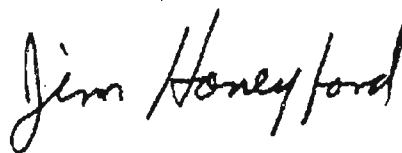
As Washington state legislators representing taxpayers around the Hanford area who are hoping for a future that includes clean, affordable nuclear energy, we can tell you our citizens were counting on Yucca Mountain. We are hopeful that when the full Nuclear Regulatory Commission reviews the facts, it will keep Yucca Mountain on track as authorized by Congress. Millions of Americans are watching your decision.

Thank you in advance for your consideration. Please don't hesitate to contact us for further information or clarification.

Sincerely,



Sen. Mike Hewitt  
Washington State Legislature  
Senate Republican Leader



Sen. Jim Honeyford  
Ranking Republican  
Environment, Water and Energy Committee

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 **Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**, dated July 30, 2010, 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 (CAB) 04**

Thomas S. Moore, Chair  
Administrative Judge  
[tsm2@nrc.gov](mailto:tsm2@nrc.gov)

Paul S. Ryerson  
Administrative Judge  
[psr1@nrc.gov](mailto:psr1@nrc.gov)

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

Anthony C. Eitrem, Esq., Chief Counsel  
[ace1@nrc.gov](mailto:ace1@nrc.gov)

Daniel J. Graser, LSN Administrator  
[djg2@nrc.gov](mailto:djg2@nrc.gov)

Matthew Rotman, Law Clerk  
[matthew.rotman@nrc.gov](mailto:matthew.rotman@nrc.gov)

Katherine Tucker, Law Clerk  
[katie.tucker@nrc.gov](mailto:katie.tucker@nrc.gov)

Joseph Deucher  
[jhd@nrc.gov](mailto:jhd@nrc.gov)

Andrew Welkie  
[axw5@nrc.gov](mailto:axw5@nrc.gov)

Jack Whetstine  
[jgw@nrc.gov](mailto:jgw@nrc.gov)

Patricia Harich  
[patricia.harich@nrc.gov](mailto:patricia.harich@nrc.gov)

Sara Culler  
[sara.culler@nrc.gov](mailto:sara.culler@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)

Karin Francis, Paralegal

[kxf4@nrc.gov](mailto:kxf4@nrc.gov)

Joseph S. Gilman, Paralegal

[jsg1@nrc.gov](mailto:jsg1@nrc.gov)

Daniel W. Lenehan, Esq.

[daniel.lenehan@nrc.gov](mailto:daniel.lenehan@nrc.gov)

Andrea L. Silvia, Esq.

[alc1@nrc.gov](mailto:alc1@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-16C1

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  
**Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**

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)  
Scott Blake Harris, Esq.  
[scott.harris@hq.doe.gov](mailto:scott.harris@hq.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)  
Josephine L. Sommer, Paralegal  
[josephine.sommer@hq.doe.gov](mailto:josephine.sommer@hq.doe.gov)

Office of General Counsel  
1551 Hillshire Drive  
Las Vegas, NV 89134-6321  
Jocelyn M. Gutierrez, Esq.  
[jocelyn.gutierrez@ymp.gov](mailto:jocelyn.gutierrez@ymp.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  
USA-Repository Services LLC  
Yucca Mountain Project Licensing Group  
1160 N. Town Center Drive, Suite 240  
Las Vegas, NV 89144  
Stephen J. Cereghino, Licensing/Nucl Safety  
[stephen\\_cereghino@ymp.gov](mailto:stephen_cereghino@ymp.gov)

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  
Clifford W. Cooper, Paralegal  
[ccooper@morganlewis.com](mailto:ccooper@morganlewis.com)  
Lewis M. Csedrik, Esq.  
[lcsedrik@morganlewis.com](mailto:lcsedrik@morganlewis.com)  
Jay M. Gutierrez, Esq.  
[jgutierrez@morganlewis.com](mailto:jgutierrez@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)  
Annette M. White, Esq.  
[Annette.white@morganlewis.com](mailto:Annette.white@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)  
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  
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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)

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

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 Nuclear Oversight Program  
P.O. Box 1068  
Caliente, NV 89008  
Connie Simkins, Coordinator  
[jcciac@co.lincoln.nv.us](mailto:jcciac@co.lincoln.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)

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  
[szeee@nuc.state.nv.us](mailto:szeee@nuc.state.nv.us)

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

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

Counsel for Nye County, Nevada  
Jeffrey VanNiel, Esq.  
530 Farrington Court  
Las Vegas, NV 89123  
[nbrjdv@gmail.com](mailto:nbrjdv@gmail.com)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
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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  
Zoie Choate, Secretary  
[zchoate@co.nye.nv.us](mailto:zchoate@co.nye.nv.us)  
Sherry Dudley, Admin. Technical Coordinator  
[sdudley@co.nye.nv.us](mailto:sdudley@co.nye.nv.us)

Clark County, Nevada  
500 S. Grand Central Parkway  
Las Vegas, NV 98155  
Phil Klevorick, Sr. Mgmt Analyst  
[klevorick@co.clark.nv.us](mailto:klevorick@co.clark.nv.us)  
Elizabeth A. Vibert, Deputy District Attorney  
[Elizabeth.Vibert@ccdavn.com](mailto:Elizabeth.Vibert@ccdavn.com)

Counsel for Clark County, Nevada  
Jennings, Strouss & Salmon  
8330 W. Sahara Avenue, #290  
Las Vegas, NV 89117  
Bryce Loveland, Esq.  
[bloveland@jsslaw.com](mailto:bloveland@jsslaw.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)

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)

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)  
Matthew Fraser, Law Clerk  
[mfraser@harmoncurran.com](mailto:mfraser@harmoncurran.com)

Eureka County Public Works  
PO Box 714  
Eureka, NV 89316  
Ronald Damele, Director  
[rdamele@eurekanv.org](mailto:rdamele@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 Eureka County, Nevada  
NWOP Consulting, Inc.  
1705 Wildcat Lane  
Ogden, UT 84403  
Loreen Pitchford, Consultant  
[lpitchford@comcast.net](mailto:lpitchford@comcast.net)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
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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)  
Robert F. List, Esq.  
[rlist@armstrongteasdale.com](mailto:rlist@armstrongteasdale.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 City of Caliente, Lincoln County, and  
White Pine County, Nevada  
P.O. Box 126  
Caliente, NV 89008  
Jason Pitts, LSN Administrator  
[jayson@idtservices.com](mailto: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](mailto:rwsears@wpcda.org)

White Pine County Nuclear Waste Project Office  
959 Campton Street  
Ely, NV 89301  
Mike Simon, Director  
[wpnucwst1@mwpower.net](mailto:wpnucwst1@mwpower.net)  
Melanie Martinez, Sr. Management Assistant  
[wpnucwst2@mwpower.net](mailto:wpnucwst2@mwpower.net)

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)

Counsel for Inyo County, California  
Greg James, Attorney at Law  
710 Autumn Leaves Circle  
Bishop, CA 93514  
E-Mail: [gljames@earthlink.net](mailto:gljames@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](mailto:alembke@inyocounty.us)

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)

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW  
**Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**

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, P.O. 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> Floor, P.O. 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)

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)

Nuclear Energy Institute  
Office of the General Counsel  
1776 I Street, NW Suite 400  
Washington, DC 20006-3708  
Michael A. Bauser, Esq.  
[mab@nei.org](mailto:mab@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)  
Maria D. Webb, Senior Energy Legal Analyst  
[maria.webb@pillsburylaw.com](mailto:maria.webb@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 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)

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**Letters from the Secretary to the Honorable Mike Hewitt and the Honorable Jim Honeyford**

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  
3560 Savoy Boulevard  
Pahrump, NV 89601  
Joe Kennedy, Executive Director  
[joekennedy08@live.com](mailto:joekennedy08@live.com)  
Tameka Vazquez, Bookkeeper  
[purpose\\_driven12@yahoo.com](mailto:purpose_driven12@yahoo.com)

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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, South Carolina  
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)

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)

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)  
Sharon Nelson  
[sharonn@atg.wa.gov](mailto:sharonn@atg.wa.gov)

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 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)

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

Dated at Rockville, Maryland  
this 4<sup>th</sup> day of August 2010