

January 2009
**High-level Waste Hearings
Summary Table**

The following table summarizes
The Request for Additional Information,
Scheduled Bridge Line meetings for January,
and the Electronic Hearing Docket Notices for December, 2008.

U.S. DEPARTMENT OF ENERGY
High Level Waste Hearings.

(Note: full text documents located here:
http://hlwehd.nrc.gov/public_hlw-ehd/

The following table is broken up into three categories and color coded as follows:

PETITIONS TO INTERVENE ALL PDF'S ARE LOCATED CONVENELY AT http://trackhearings.com or the NRC's EHD site http://hlwehd.nrc.gov/public_hlw-ehd/
Scheduled Bridge Line Meetings for January – Email if you need additional info: mailto:nwop@comcast.net
Electronic Hearing Docket Notices for January

High-Level Waste hearing			
Petition's to Intervene			
Date	January		
	<p>The following link provides PDFs copies of all the "Petition's to Intervene" and the corresponding answer from the Department of Energy which have been filed with the NRC High-level Waste Hearing Board(s) in January.</p> <p>Petitioners responding answers' are due by February 24th.</p>		
Request for Information and Bridge line meetings information			
Date	January 21	January 23	January 23
	<p>SUBJECT: YUCCA MOUNTAIN - REQUEST FOR ADDITIONAL INFORMATION RE: LICENSE APPLICATION (SAFETY ANALYSIS REPORT SECTION 2.2.2.2) Dear Mr. Williams: By application dated June 3, 2008, the U.S. Department of Energy (DOE) requested the U.S. Nuclear Regulatory Commission (NRC) staff approval of a construction authorization. NRC staff has reviewed the information provided in your submittal and determined that additional information is required in order to complete its review. Questions in the enclosed request for additional information (RAI) were e-mailed on January 9, 2009, and discussed in a telephone call with Mr. Steve Gomberg, et al., of your staff on January 15, 2009. This RAI is Set 2 of Safety Evaluation Report Chapter 2.2.1.2.2 (Event Probabilities). During the discussion, DOE agreed to provide responses to this RAI by January 29, 2009. NRC staff considers that timely responses to RAIs help ensure sufficient time is available for staff review to meet its 10 CFR Part 2 schedule requirements and contribute toward the NRC's goal of efficient and effective use of staff resources. If circumstances result in the need to revise the requested response date, please contact me at (301) 492-3180. Sincerely, /RA/ John H. (Jack) Sulima, Project Manager</p> <p>RAI #1 Justify the use of Total System Performance Assessment (TSPA) v5.000 in the igneous event sensitivity analyses (SNL, 2008, Appendix P), when TSPA v5.005 was used to evaluate the igneous</p>	<p>Request for additional information (RAI), 3rd set, for Volume 3, Chapter 2.2.1.2.1 (Scenario Analysis) concerning the Department of Energy's (DOE's) application for the proposed high-level waste repository at Yucca Mountain, Nevada. A telephone call has been scheduled for February 2, 2009 at 3:00PM EST to clarify the attached questions. The NRC expects DOE to respond to these questions by March 4, 2009. Responses to individual questions may be submitted early.</p> <p>PUBLIC: To be considered for the Bridge Line, please call Jack Sulima, Project Manager, at (301) 492-3180 or email at John.Sulima@nrc.gov, by close of business on Wednesday, January 28, 2009</p>	<p>This RAI is Set 2 of Safety Evaluation Report Chapter 2.2.1.2.1 (Scenario Analysis). During the discussion, DOE agreed to provide responses to these RAIs by February 23, 2009 and NRC agreed to make a word change in RAI No. 12 and add a clarifying phrase to RAI No. 16.</p>

	<p>event scenario in the license application. Basis: As part of igneous scenario analysis, the DOE provided sensitivity analyses using a single-value probability of intrusive and extrusive igneous events at 1×10^{-7} per year (SNL, 2008, appendix P). The igneous intrusive sensitivity analyses were identified as LA v5.000 IG_003000 16.gsm and LA v5.000 IG 003000 17.gsm (SNL, 2008, Appendix P, pg P-44). However, these analyses were performed using a version of the TSPA identified as v5.000, which is not the version used for license application dose calculations. Instead the license application relies on a TSPA version v5.005. This information is needed to verify compliance with 10 CFR 63.114.</p>		
	January 29	January 29th	January 29th
	<p>RAI) (Volume 2 – Preclosure, SER Chapter 2.1.3 – Plans for Permanent Closure, Decontamination and Dismantlement of Surface Facilities, 1st Set), about the Department of Energy's (DOE's) application for the proposed high-level waste repository at Yucca Mountain, Nevada. A telephone call has been scheduled for Thursday, February 5, 2009, at 3:00 pm ET to clarify the attached questions. The NRC expects DOE to respond to these questions by March 5, 2009. Responses to individual questions may be submitted early.</p> <p>PUBLIC: To be considered for the Bridge Line, please call Christian Jacobs, Senior Project Manager at 301-492-3265 or e-mail at Christian.Jacobs@nrc.gov, by close of business on Tuesday, February 3, 2009.</p>	<p>RAI) for Volume 3, Chapter 2.2.1.3.2 (Mechanical Disruption of Engineered Barriers), 1st Set, concerning the Department of Energy's (DOE's) application for the proposed high-level waste repository at Yucca Mountain, Nevada. A telephone call has been scheduled for Thursday, February 5, 2009, at 11:00 a.m. EST to clarify the attached questions. The NRC expects DOE to respond to these questions by March 10, 2009. Responses to individual questions may be submitted early.</p> <p>PUBLIC: To be considered for the Bridge Line, please call Jack Sulima, Project Manager, at (301) 492-3180 or email at John.Sulima@nrc.gov, by close of business on Tuesday, February 3, 2009.</p>	<p>REQUEST FOR WITHHOLDING FROM PUBLIC DISCLOSURE – RE: U.S DEPARTMENT OF ENERGY RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION (RAI) REGARDING VOLUME 2, CHAPTER 2.1.1.3, IDENTIFICATION OF HAZARDS AND INITIATING EVENTS, 1st SET, RAI #2</p> <p>By letter dated December 23, 2008, the U.S. Department of Energy (DOE) submitted an affidavit (Enclosure 1 to that letter), executed by Public Services of Arizona, requesting that information in the following document be withheld from public disclosure pursuant to Title 10 of the <i>Code of Federal Regulations</i> (10CFR) Section 2.390: NUS-1416 Revision 1, Estimate of the Probability That an Aircraft Will Impact the Palo Verde Nuclear Generating Station, June 1975. The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons: (i) The NUS Report has and presently is maintained in confidence by Arizona Public Service Company (APS). (ii) The information is of a type customarily held in confidence by APS and not customarily disclosed to the public. (a) Public Disclosure of the NUS Report is likely to cause substantial harm to APS's position. (b) The NUS Report contains information that could be useful to a potential adversary with malevolent intent and should be withheld from public disclosure. (c) Specifically, the NUS Report contains descriptions of air activity in the vicinity of Palo Verde, including commercial, military and general aviation aircraft, and analyzes probability of impact of those</p>

			aircraft over a potentially affected plant area.
Electronic Hearing Docket Notices for December			
Date	January 2	January 2	January 7th
	<p>NRC STAFF ANSWER TO JOINT MOTION BY LINCOLN AND EUREKA COUNTIES, NV FOR CLARIFICATION</p> <p>The Counties' Motion requests the Commission to clarify its October 22, 2008 Notice of Hearing, <i>U.S. Department of Energy</i> (High-Level Waste Repository) CLI-08-25, 68 NRC ___, (October 17, 2008) (slip op.) by establishing a 45 day period after rulings on contention admissibility, during which the Counties and other interested governmental participants (IGP) may identify those contentions on which they wish to participate. The Staff does not oppose the Motion to the extent that it requests the Commission to establish a reasonable deadline for the Counties and other IGPs to identify contentions, and the Staff is aware that the Advisory PAPO Board recommended that future Boards require contentions to be identified within either 45 days of filing the contention or 45 day of its admission. <i>U.S. Department of Energy (High-Level Waste Repository: Pre-Application Matters, Advisory PAPO Board), LBP-08-861-01, 67 NRC at ___ (June 20, 2008) (slip op. at 11).</i></p> <p>The Staff is concerned about the potential impact on the hearing schedule if the Counties and other IGPs are provided 45 days after the first prehearing conference order is issued to identify those contentions on which they wish to participate. The Atomic Safety and Licensing Board(s) (Board) that is appointed in this proceeding will be required to accomplish two things in the first Prehearing Conference Order that are directly relevant to consideration of the Counties Motion. See 10 C.F.R. § 2.1021(d). First, the Board(s) will rule on the admissibility of the proposed contentions. See 10 C.F.R. Part 2, Appendix D, "Schedule for the Proceeding on Consideration of Construction Authorization for a High-Level Waste Geologic Repository" (Appendix D). Second, the Board(s) will establish a schedule for further action and a discovery schedule that takes into account the three-year schedule for the Commission to approve or disapprove the license application. See 10 C.F.R. sec. 2.1021(a)(5).</p> <p>As a result, it is likely that the discovery schedule as well as a schedule for further action will begin at the same time that the Board(s) first rules on the contentions to be admitted. If the Counties and other IGPs are allowed 45-days after that to identify contentions, their notices could come as late as 45 days into discovery.</p>	<p>STATE OF NEVADA'S ANSWER TO JOINT MOTION</p> <p>The State of Nevada supports the Joint Motion by Lincoln County and Eureka County for Clarification of the Commission's October 22, 2008 Notice of Hearing Concerning the Deadline by Which Interested Governmental Participants Must Identify the Contentions on Which They Wish to Participate. Interested governmental participants must at some point identify the contentions on which they wish to participate and the deadline for this identification suggested in the joint motion is reasonable.</p> <p>Respectfully submitted, <i>(signed electronically)</i> Martin G. Malsch * Charles J. Fitzpatrick * John W. Lawrence *</p>	<p>On January 7, 2009, the U.S. Nuclear Regulatory Commission (NRC) staff hosted a Category 1 public meeting with the U.S. Department of Energy (DOE, the applicant) in Rockville, Maryland. The meeting was videoconferenced to the NRC Hearing Facility in Las Vegas, Nevada, the Center for Nuclear Waste Regulatory Analyses in San Antonio, Texas, and Region IV. The purpose of the meeting was for NRC and DOE to provide periodic status regarding the ongoing licensing review for the proposed geologic repository at Yucca Mountain, Nevada. The meeting was open to the public. The agenda for this meeting can be found in Enclosure 1. Enclosure 2 contains the list of attendees who were present at the above noted locations, and Enclosure 3 contains a set of presentations that were given at the meeting.</p> <p>No commitments or regulatory decisions were made by the NRC staff during the meeting.</p> <p>Enclosures:</p> <ol style="list-style-type: none"> 1. Agenda 2. List of attendees 3. Presentations

Date	January 5	January 5	January 5
	<p>Contention No. 1 by Caliente Hot Springs Resort LLC' Full text at http://trackhearings.com/data.htm</p> <p>January 6th Memorandum of the Secretary to the Board Referring the Caliente Hot Spring Resort LLC Petition</p>	<p>NOTICE OF APPEARANCE JOHN H. HUSTON, ESQ.</p> <p>Appears now, John H. Huston, Attorney at Law, 6772 Running Colors Avenue, Las Vegas, NV 89131, Tel # (702) 270-9290, on behalf of Caliente Hot Springs Resort LLC, 6772 Running Colors Avenue, Las Vegas, NV 89131, and shows and represents to the Commission that he is licensed to practice law in the State of Colorado (Colo. Reg. #7611) and is the attorney for, legal counsel to, and a managing member of, Caliente Hot Springs Resort LLC, a Nevada limited liability company.</p>	<p>NOTICE OF APPEARANCE Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. ' 2.314(b), the following information is provided:</p> <p>Name: Mitzi A. Young Address: U.S. Nuclear Regulatory Commission Office of the General Counsel Mail Stop: O-15-D21 Washington, DC 20555-0001 Telephone Number: (301) 415-1523 Fax Number: (301) 415-3725 E-Mail address: may@nrc.gov</p> <p>Admissions: U.S. Court of Appeals, D.C. Circuit U.S. District Court, District of Columbia District of Columbia, Court of Appeals</p> <p>Name of Party: NRC Staff</p>
Date	January 15	January 15	January 15
	<p>REQUESTS TO PARTICIPATE AS INTERESTED GOVERNMENTAL PARTICIPANTS WITH RESPECT TO THE U.S. DEPARTMENT OF ENERGY'S APPLICATION FOR AUTHORITY TO CONSTRUCT A GEOLOGIC REPOSITORY AT A GEOLOGIC REPOSITORY OPERATIONS AREA AT YUCCA MOUNTAIN IN NYE COUNTY, NEVADA</p> <p>The Office of the Secretary has received via E-Filing two requests to participate as Interested Governmental Participants, one from Eureka County, Nevada, and one from Lincoln County, Nevada, both dated December 22, 2008. These requests were submitted in response to a notice issued by the NRC staff that provided an opportunity for a hearing on the U.S. Department of Energy's application for authority to construct a geologic repository at a geologic repository operations area at Yucca Mountain in Nye County, Nevada. The notice was published in the <i>Federal Register</i> at 73 Fed. Reg. 63029 (October 22, 2008). The requests can be found in ADAMS under accession number ML083570371 (Eureka County - 2-document Package) and ML083570416 (Lincoln County), and on the Electronic Hearing Docket.</p> <p>In response to a joint motion submitted by Eureka and Lincoln Counties, the Commission issued an Order this date, clarifying when entities shall identify those admitted contentions on which they will</p>	<p>Board Order (Addressing Procedural Matters) The Chief Administrative Judge orders that all answers to petitions shall be deemed timely if filed on or before February 10, 2009 (50 days after the due date for petitions). All responses to such answers shall be deemed timely if filed on or before February 24, 2009 (14 days after the due date for answers). The Chief Administrative Judge further orders that should DOE file, pursuant to 10 C.F.R. § 63.22(c), any updates and supplements to its June 3, 2008 application for a construction authorization for a high-level radioactive waste repository at Yucca Mountain, it shall make such updates and supplements available in the same manner in which it complied with the provisions of 10 C.F.R. § 63.22 in filing its June 3, 2008 application. Additionally, in filing any updates and supplements pursuant to 10 C.F.R. § 63.22(c), DOE shall maintain the section numbering sequences from the June 3, 2008 application to the maximum extent practicable. DOE shall clearly identify in all section heading labels the sections that have been revised, and shall mark the changed text with bar indicators.</p> <p>Further, all answers filed in response to petitions containing contentions directed to DOE's June 3, 2008 application shall be addressed solely to the provisions of DOE's original June 3, 2008 applica-</p>	<p>ANSWER OF THE U.S. DEPARTMENT OF ENERGY TO EUREKA COUNTY, NEVADA'S REQUEST TO PARTICIPATE AS INTERESTED GOVERNMENTAL PARTICIPANT</p> <p>DOE states that as long as Eureka County is in compliance with the rules and guidelines as set by the NRC to participate in the hearings "For these reasons, DOE has no objection to Eureka County's participation in this proceeding as an interested governmental body pursuant to 10 C.F.R. § 2.315(c)."</p> <p>DOE-answer to Eureka request</p>

	<p>participate. The Order can be found in ADAMS under accession number ML090150261. The requests to participate are being referred to you for appropriate action in accordance with 10 C.F.R. §2.346(i). This referral is being served on the E-Filing service list for the HLW License Application. Judge Roy Hawkins</p>	<p>tion and not to any subsequent updates or supplements. Similarly, all replies must do the same.</p> <p>After the duly established licensing boards issue any initial prehearing conference orders identifying the parties and admitted contentions, all parties may, notwithstanding the ten-day rule in 10 C.F.R. § 2.323(a), file any appropriate pleadings addressing relevant matters introduced by any updates and supplements to DOE's June 3, 2008 application.</p> <p>To assist in providing efficient electronic access to pleadings via the Digital Data Management System (DDMS), all answers and replies shall adhere to the following standardized format for citing DOE's June 3, 2008 application: [Title of Document] [Chapter] [Chapter #] [Title of Document] [Section] [Section #] [Title of Document] [Figure] [Figure #] [Title of Document] [Table] [Table #] [Title of Document] [Appendix] [Appendix #]</p> <p>For example, when referring to a part of the DOE application such as the Safety Analysis Report (SAR), the citation format should read: SAR Chapter x at page(s) etc.; SAR Section x.x.x.x etc.; SAR Figure x-x etc.; SAR Table x-x etc.; SAR Appendix x etc.</p>	
Date	January 15	January 16	January 15
	<p>Resubmission of #2110 - Memorandum of the Secretary Referring Eureka & Lincoln Co., NV's Requests to Participate as Interested Governmental Participants to the Board</p>	<p>ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARDS</p> <p>Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. " 2.300 et seq., 2.1000 et seq., notice is hereby given that Atomic Safety and Licensing Boards are being established to preside over the Petitions to Intervene and the Requests to Participate in the following proceeding, and to perform all other duties as the Chief Administrative Judge may assign: U.S. DEPARTMENT OF ENERGY High-Level Waste Repository Construction Authorization Application</p>	<p>Proposed Revised Case Management Order (Regarding State of Nevada's Access to Classified Information) submitted by Alex S. Polonsky who is affiliated with Morgan Lewis.</p> <p>Comments submitted to the Board with clarification and statements as to the current 6th Case Management Order regarding classified information and how the State will access this data.</p>
Date	January 16	January 26	January 26
	<p>STATE OF NEVADA'S MOTION TO AMEND PETITION TO INTERVENE AS A FULL PARTY</p> <p>The State of Nevada ("Nevada") moves, pursuant to 10 C.F.R. 2.309(f)(2) to amend contention "NEV-SAFETY-03 – Quality Assurance Implementation." Nevada would show that the information on which the amendment to its contention is based was not previously available, having been posted by DOE on its LSN database within the last few weeks; the</p>	<p>CORRECTED NRC STAFF ANSWER TO THE STATE OF NEVADA'S MOTION TO AMEND PETITION TO INTERVENE AS A FULL PARTY INTRODUCTION</p> <p>The Staff of the Nuclear Regulatory Commission (Staff) filed an answer in opposition to the State of Nevada's January 16, 2009 Motion to Amend Petition to Intervene as a Full Party. (Motion). The Motion seeks authority to amend Nevada's conten-</p>	<p>'Inyo County Notice of Change in Point of Contact and LSN Responsible Official' submitted by Alisa M. Lembke who is affiliated with Inyo County, California.</p> <hr/> <p>'Notice of Substitution of Counsel'</p>

	<p>information upon which the amendment to its contention is based is materially different from information previously available; and the amended contention is being submitted in a timely fashion. The movant has contacted the United States Department of Energy ("DOE") to whose License Application ("LA") the amended contention is directed in an effort to resolve the issue raised in the motion. DOE indicated that it would review the motion upon receipt and respond after such review.</p>	<p>tion NEV-SAFETY-03. <u>DISCUSSION</u> The last date for the timely filing of petitions to intervene and requests for hearing with contentions was Dec. 22, 2008. <i>U.S. Dep't. of Energy</i> (High-Level Waste Repository: Pre-Application Matters), CLI-08-18, 68 NRC __, __ (slip op. at 11) (Aug. 13, 2008); <i>U.S. Dep't. of Energy</i> (High-Level Waste Repository), CLI-08-25, 68 NRC __ (Oct. 17, 2008) (73 Fed. Reg. 63,029, (Oct. 22, 2008)). Since Nevada's Motion was not filed until January 16, 2009, it is subject to 10 CFR § 2.309(f)(2) governing admission of amended contentions. <i>Shaw Areva Mox Services</i> (Mixed Oxide Fuel Fabrication Facility), LBP-07-14, 66 NRC 169, 210 n.95 (2007). Pursuant to 10 C.F.R. §2.309(f)(2) after the initial filing, contentions may be amended only with leave of the presiding officer: The Staff respectfully requested the Board to deny Nevada's Motion to amend its contention NEV-SAFETY-03 because the Motion fails to fulfill the requirement of 10 C.F.R. § 2.309 (f)(2)(ii) to show that the information upon which it is based is materially different from information previously available.</p>	<p>submitted by Debra D. Roby who is affiliated with Jennings, Strouss & Salmon, PLC.</p>
<p>Date</p>	<p>January 16</p>	<p>January 29</p>	
	<p>On January 7, 2009, the U.S. Nuclear Regulatory Commission (NRC) staff hosted a Category 1 public meeting with the U.S. Department of Energy (DOE, the applicant) in Rockville, Maryland. The meeting was videoconferenced to the NRC Hearing Facility in Las Vegas, Nevada, the Center for Nuclear Waste Regulatory Analyses in San Antonio, Texas, and Region IV. The purpose of the meeting was for NRC and DOE to provide periodic status regarding the ongoing licensing review for the proposed geologic repository at Yucca Mountain, Nevada. The meeting was open to the public. The agenda for this meeting can be found in Enclosure 1. Enclosure 2 contains the list of attendees who were present at the above noted locations, and Enclosure 3 contains a set of presentations that were given at the meeting. No commitments or regulatory decisions were made by the NRC staff during the meeting. Enclosures: 1. Agenda 2. List of attendees 3. Presentations</p>	<p>CAB CASE MANAGEMENT ORDER #1 On January 16, 2009, the Chief Administrative Judge established three licensing boards, denoted construction authorization boards (CABs), to, inter alia, preside over the proceeding involving the United States Department of Energy's (DOE) application for construction authorization of a high-level waste repository at Yucca Mountain in Nye County, Nevada. Pursuant to the Commission's October 17, 2008 notice of hearing² and 10 C.F.R. ' 2.319(g), (q), and (r), the three Licensing Boards issue this CAB case management order setting forth requirements and procedures applicable to the proceeding.</p> <ol style="list-style-type: none"> 1. Adoption of Prior Orders (Those orders remain generally applicable to this proceeding, except where the circumstances and context clearly and obviously indicate the inapplicability of a provision.) 2. Licensing Boards also adopt the provisions of the APAPO Board orders and will apply their provisions. <p>B. Rules Concerning New or Amended Contentions 1. Consolidated Filing. A petitioner or party that seeks to file a new or amended contention shall</p>	<p>standards-related issues will be deemed timely for admissibility purposes if filed within sixty (60) days after the Federal Register publication of the NRC rules implementing the new EPA standards. Within fifty (50) days after service of the amended contention, the answer shall be filed. Within fourteen (14) days after service of the answer, the petitioner may file a reply. C. Citation to NRC or Licensing Board Decisions All pleadings in this proceeding citing agency decisions shall include the full NRC Reporter citation, including the case name, the CLI, ALAB, LBP or DD designation, volume, first page of the decision, cited page, year of the decision, and any subsequent appellate action, e.g., U.S. Dep't of Energy (High-Level Waste Repository), LBP-08-1, 67 NRC 37 (2008), aff'd, CLI-08-12, 67 NRC __ (June 17, 2008). D. Filing to All Boards Pursuant to 10 C.F.R. § 2.1013(c), all filings, until further notice, shall be served on the members of all three CABs. Under the current EIE system, the HLW docket contains only one available designation for all filings and it includes all of the CAB members (e.g., "HLW License Application 63-001 All CABs").</p>

		<p>file an appropriate motion and the proposed contention simultaneously. Within twenty-five (25) days after service of the motion and proposed contention, the answer shall be filed, responding to both the motion and the contention. Within seven (7) days after service of the answer, the movant may file a reply.</p> <p>2. Timeliness. Notwithstanding the time period specified in 10 C.F.R. § 2.323(a), such motion and proposed contention shall be deemed timely under 10 C.F.R. § 2.309(f)(2) if filed within 30 days of the date when the new and material information on which it is based first became available. If a participant requests additional time to file before such thirty-day period expires, however, then the motion and contention may also be considered timely upon a Board finding that there has been an adequate showing of need for the additional time requested. Otherwise, such motion and proposed contention shall be deemed non-timely and will be considered under 10 C.F.R. § 2.309(c).</p> <p>3. Special Rule Concerning EPA Standards-Related Issues. Pursuant to the Commission's hearing notice, amended contentions on EPA (continued next column)</p>	<p>E. Certification of Service Pursuant to 10 C.F.R. § 2.1013(c)(4), "[p]roof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed, by -- (i) [e]lectronic acknowledgment ('delivery receipt'); (ii) [t]he affidavit of the person making the service; or (iii) [t]he certificate of counsel.⁹ Hence, to be compliant with the regulations, a certification of service accompanying an EIE filing must, at a minimum, list the individual names and addresses of (1) the representative(s) of each potential party or party, based on the service list in the E-Filing system as of the time of filing; (2) the Licensing Board members; and (3) the Office of the Secretary. A certificate of service that merely recites that it is counsel's understanding that the pleadings were served on the same parties who are listed on a service list that was posted on the NRC website does not comply with the requirements of 10 C.F.R. § 2.1013(c)(4).¹⁰ It is so ORDERED.</p>
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