

RAS 8121

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

July 9, 2004 (2:57PM)

Before Administrative Judges:

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Thomas S. Moore, Chairman
Alex S. Karlin
Alan S. Rosenthal

SERVED July 9, 2004

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:
Pre-Application Matters)

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO

July 9, 2004

ORDER

(Ruling on LSN Administrator's July 9, 2004 Request)

The pre-license application presiding officer (PAPO Board) is in receipt of an e-mail from the LSN Administrator dated July 9, 2004, stating, inter alia:

Attached is an e-mail from the DOE technical project manager with a list of deletions they would like to have removed from the indexes of documents added to the LSN prior to DOE certification.

The list has been forwarded through me, consistent with LSNA Guideline 14. It contains 25,209 accession numbers, and, with each, a cause for the requested deletion from our indexes. This is also consistent with Guideline 14.

I am, in turn, forwarding the list to you with the request that you provide approval for us to process the deletions.

In designating a PAPO for HLW pre-license application matters, the Commission stated that "the PAPO is granted this authority solely for the purpose of ruling on disputes..."¹

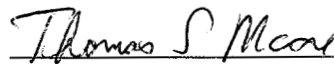
Because the LSN Administrator's request of the PAPO Board for approval to delete material

¹CLI-0420, 60 NRC __, __ (July 7, 2004)

from the LSN does not, at this time, involve any "dispute," the Board is without authority to act upon the request and it cannot advise the LSN Administrator how to respond to DOE's request.

It is so ORDERED.

FOR THE PRE-LICENSE APPLICATION
PRESIDING OFFICER BOARD²



Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 9, 2004

² Copies of this order were sent by the Office of the Secretary this date by e-mail transmission to the LSN Administrator and those served with the Commission Order in CLI-04-20.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY) Docket No. PAPO-00
)
)
(High-Level Waste Repository:)
Pre-Application Matters))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (RULING ON LSN ADMINISTRATOR'S JULY 9, 2004 REQUEST) have been served upon the following persons by electronic mail.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas S. Moore, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: tsm2@nrc.gov

Administrative Judge
Alex S. Karlin
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ask2@nrc.gov

Administrative Judge
Alan S. Rosenthal
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: axr@nrc.gov

Karen D. Cyr, Esq.
General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: kdc@nrc.gov

Daniel J. Graser
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: djg2@nrc.gov

Docket No. PAPO-00
 LB ORDER (RULING ON LSN
 ADMINISTRATOR'S JULY 9, 2004 REQUEST)

Trip Rothschild, Esq.
 Janice E. Moore, Esq.
 Office of the General Counsel
 Mail Stop - O-15 D21
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001
 E-mail: tbr@nrc.gov; jem@nrc.gov

Joseph R. Egan, Esq.
 Martin G. Malsch, Esq.
 Egan Fitzpatrick, Malsch & Cynkar, PLLC
 7918 Jones Branch Dr., Suite 600
 McLean, VA 22102
 E-mail: eganpc@aol.com;
mmalsch@nuclearlawyer.com

Harry Leake
 Mark Van Der Puy
 U.S. Department of Energy
 Office of Civilian Radioactive Waste
 Management
 Office of Information Management
 Mail Stop 523
 P.O. Box 30307
 North Las Vegas, NV 89036-0307
 E-mail: harry_leake@ymp.gov;
mark_vanderpuy@ymp.gov

John Gandi
 U.S. Department of Energy
 Office of Civilian Radioactive Waste
 Management
 1000 Independence Ave., SW
 Washington, DC 20585
 E-mail: john.gandi@rw.doe.gov

George Hellstrom
 U.S. Department Of Energy
 Yucca Mountain Site Characterization Office
 Chief Counsel's Office
 P.O. Box 30307
 North Las Vegas, NV 89036-0307
 E-mail: george.hellstrom@ymp.gov

Steve Frishman
 Technical/Policy Coordinator
 Nuclear Waste Project Office
 1802 North Carson, Suite 252
 Capitol Complex
 Carson City, NV 89701
 E-mail: ssteve@nuc.state.nv.us

Marta Adams
 State of Nevada
 100 N. Carson Street
 Carson City, NV 89710
 E-mail: madams@govmail.state.nv.us

William H. Briggs
 Ross, Dixon & Bell
 2001 K Street N.W.
 Washington D.C. 20006-1040
 E-mail: wbriggs@rdblaw.com

Malachy Murphy
 Nye County Regulatory and Licensing Advisor
 18150 Cottonwood Rd. #265
 Sunriver, OR 97707
 E-mail: mrmurphy@cmc.net

Les Bradshaw
 Nye County Department of Natural Resources
 and Federal Facilities
 1210 E. Basin Road, Suite 6
 Pahrump, NV 89048
 E-mail: clittle@co.nye.nv.us

Docket No. PAPO-00
 LB ORDER (RULING ON LSN
 ADMINISTRATOR'S JULY 9, 2004 REQUEST)

W. John Arthur, III
 Deputy Director
 U.S. Department of Energy
 Office of Civilian Radioactive Waste
 Management
 Office of Repository Development
 1551 Hillshire Drive
 Las Vegas, NV 89134-6321
 E-mail: john_arthur@notes.ymp.gov

Irene Navis
 Clark County Nuclear Waste Division
 500 S. Grand Central Parkway
 Las Vegas, NV 89155
 E-mail: iln@co.clark.nv.us

Rod McCullum
 Nuclear Energy Institute
 1776 I Street, NW, Suite 400
 Washington, DC 20006-3708
 E-mail: rxm@nei.org

Andrew Remus
 Project Coordinator
 Inyo County Yucca Mountain Repository
 Assessment Office
 P.O. Drawer L
 Independence, CA 93526
 E-mail: aremus@qnet.com;
inyoplanning@qnet.com

Donald P. Irwin, Esq.
 Hunton & Williams LLP
 951 East Byrd Street
 Richmond, VA 23219
 E-mail: dirwin@hunton.com

Engelbrecht von Tiesenhausen
 Clark County Nuclear Waste Division
 500 S. Grand Central Parkway
 Las Vegas, NV 89155
 E-mail: evt@co.clark.nv.us

George McCorkell
 Esmerelda County Nuclear Waste Repository
 Oversight Program
 P.O. Box 490
 Goldfield, NV 89013
 E-mail: mccorkellg@aol.net

Abby Johnson
 617 Terrace St.
 Carson City, NV 89703
 E-mail: abbyj@gbis.com

Rax Massey
 315 South Humbolt Street
 Battle Mountain, NV 89820
 E-mail: raxmassey@aol.com

Lola Stark
 Office Coordinator
 Lincoln County Nuclear Waste Program
 P.O. Box 1068 - 100 Depot Ave.
 Caliente, NV 89008
 E-mail: jcciac@caliente.igate.com

Docket No. PAPO-00
 LB ORDER (RULING ON LSN
 ADMINISTRATOR'S JULY 9, 2004 REQUEST)

Linda Mathias
 Administrator
 Office of Nuclear Projects
 Mineral County Board of County
 Commissioners
 P.O. Box 1600
 Hawthorne, NV 89415
 E-mail: mineral@oem.hawthorne.nv.us

Robert I. Holden, Director
 Nuclear Waste Program
 National Congress of American Indians
 1301 Connecticut Ave. NW - Second floor
 Washington, DC 20036
 E-mail: robert_holden@ncai.org

Steven P. Kraft
 Nuclear Energy Institute
 1776 I Street, NW, Suite 400
 Washington, DC 20006-3708
 E-mail: spk@nei.org

Ray Clark
 E-mail: clark.ray@epa.gov

Loreen Pitchford
 LSN Coordinator (Contractor)
 E-mail: gb4@charter.net

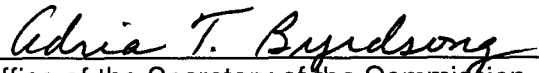
Mike Simom, Director
 (Heidi Williams, Adm. Assist.)
 White Pine County Nuclear Waste
 Project Office
 959 Campton Street
 Ely, NV 89301
 E-mail: wpnucwst1@mwpower.net

Judy Treichel, Executive Director
 Nevada Nuclear Waste Task Force
 Alamo Plaza
 4550 W. Oakley Blvd., Suite 111
 Las Vegas, NV 89102
 E-mail: judynwtf@aol.com

Alan Kall
 155 North Taylor Street, Suite 182
 Fallon, NV 89406
 E-mail: comptroller@churchillcounty.org

Victoria Reich
 E-mail: reich@nwtrb.gov

Laurel Marshall
 E-mail: ecmarshall@eurekanv.org


 Office of the Secretary of the Commission

Dated at Rockville, Maryland,
 this 9th day of July 2004