

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE BEFORE THE COMMISSION

In the Matter of)	Docket No. PAPO-00
)	
U.S. DEPARTMENT OF ENERGY)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository: Pre-Application Matters))	NEV-01
)	

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2004 a copy of The Department of Energy's Notice of Appeal from the PAPO Board's August 31, 2004 Order and The Department of Energy's Brief on Appeal from the PAPO Board's August 31, 2004 Order has been served upon the following persons by electronic mail and/or Electronic Information Exchange.

Keith I. McConnell, Esq.
Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: kim@nrc.gov

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: PAPO@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: PAPO@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: PAPO@nrc.gov

Administrative Judge
G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Anthony C. Eitreim, Esq.
Chief Counsel
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

James M. Cutchin
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Sarah M. Haley
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Amy C. Roma, Esq.
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

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: jem@nrc.gov

Gwendolyn D. Hawkins
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: gxh2@nrc.gov

Mitzi A. Young, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: may@nrc.gov

Brian F. Corbin
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Susan H. Lin, Esq.
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Christopher M. Wachter
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

David A. Cummings, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: dac3@nrc.gov

Robert W. Bishop, Esq.
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
E-mail: rwb@nei.org

Marian L. Zabler, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: miz@nrc.gov

Andrew L. Bates
Office of the Secretary of the Commission
Mail Stop - O-16 C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: alb@nrc.gov

Adria T. Byrdsong
Office of the Secretary of the Commission
Mail Stop - O-16 C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: atb1@nrc.gov

Linda D. Lewis
Office of the Secretary of the Commission
Mail Stop - O-16 C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ldl@nrc.gov

Joseph R. Egan, Esq.
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
7918 Jones Branch Drive, Suite 600
McLean, VA 22102
E-mail: eganpc@aol.com

Martin G. Malsch, Esq.
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
7918 Jones Branch Drive, Suite 600
McLean, VA 22102
E-mail: mmalsch@nuclearlawyer.com

Elayne Coppage
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
7918 Jones Branch Drive, Suite 600
McLean, VA 22102
E-mail: ecoppage@nuclearlawyer.com

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

Emile L. Julian, Esq.
Office of the Secretary of the Commission
Mail Stop - O-16 C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: elj@nrc.gov

Evangeline S. Ngbea
Office of the Secretary of the Commission
Mail Stop - O-16 C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: esn@nrc.gov

Jeffrey Kriner
Yucca Mountain Project, Licensing Group,
DOE/BSC
E-mail: jeffrey.kriner@ymp.gov

Charles J. Fitzpatrick, Esq.
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
7918 Jones Branch Drive, Suite 600
McLean, VA 22102
E-mail: cfitzpatrick@nuclearlawyer.com

Robert J. Cynkar, Esq.
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
7918 Jones Branch Drive, Suite 600
McLean, VA 22102
E-mail: rcynkar@nuclearlawyer.com

Hearing Docket
Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Michael A. Bauser, Esq.
Associate General Counsel
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
E-mail: mab@nei.org

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

Trip Rothschild, 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

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

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

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

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

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

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

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

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

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

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

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

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

Ellen C. Ginsberg, Esq.
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
E-mail: ecmarschall@eurekanv.org

Steve Frishman
Technical Policy Coordinator
Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
E-mail: ssteve@nuc.state.nv.us
Ray Clark
E-mail: clark.ray@epa.gov

Laurel Marshall
E-mail: ecmarschall@eurekanv.org

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

Michael Boyd
Legislative Representative
Critical Mass Energy and Environment
Public Citizen
215 Pennsylvania Ave, SE
Washington, DC 20003
E-mail: mboyd@citizen.org

John Skoczlas
E-mail: jas1@nrc.gov

Victoria Reich
E-mail: reich@nwtrb.gov

Susan Montesi
Assistant to Charles J. Fitzpatrick
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
7918 Jones Branch Drive, Suite 600
McLean, VA 22102
E-mail: smontesi@nuclearlawyer.com

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

By Michael R. Stehulshie

Donald P. Irwin
Michael R. Shebelskie
Kelly L. Faglioni
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
Telephone: (804) 788-8200
Facsimile: (804) 788-8218
Email: dirwin@hunton.com

Of Counsel:

Martha S. Crosland
U.S. DEPARTMENT OF ENERGY
Office of General Counsel
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585