

September 10, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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
	)	

**THE DEPARTMENT OF ENERGY'S NOTICE OF APPEAL  
FROM THE PAPO BOARD'S AUGUST 31, 2004 ORDER**

Pursuant to 10 C.F.R. § 2.1015(b), the Department of Energy (DOE) hereby gives notice of its appeal from the portion of the August 31, 2004 Order of the Pre-License Application Presiding Officer Board (PAPO Board) holding that DOE's documentary material must be indexed by the LSN Administrator before DOE can make its initial certification under 10 C.F.R. § 2.1009(b). For reasons explained in DOE's brief accompanying this notice, that holding is erroneous, raises issues of substantial importance to the licensing proceeding for a high-level nuclear waste repository at Yucca Mountain, and should be reversed and vacated.

**Respectfully submitted,**

**U.S. DEPARTMENT OF ENERGY**

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