

**PUBLIC CITIZEN • NEVADA NUCLEAR WASTE TASK FORCE •
NUCLEAR INFORMATION AND RESOURCE SERVICE**

September 21, 2004

Chairman Nils J. Diaz
Commissioner Jeffrey S. Merrifield
Commissioner Edward McGaffigan, Jr.
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear NRC Commissioners:

Public Citizen, the Nevada Nuclear Waste Task Force, and the Nuclear Information and Resource Service support the brief filed by the State of Nevada opposing the appeal of the Department of Energy (DOE) in Docket No. PAPO-00, ASLB No. 04-829-01-PAPO. We ask that the Commission deny the appeal for all of the reasons stated in the State of Nevada's brief. According to 10 CFR 2.1003, DOE is required to make its documentary material available on the Licensing Support Network web site "no later than six months in advance of submitting its license application for a geologic repository." The requirements for certification were not met by DOE, as clearly described by the PAPO Board's decision on August 31, 2004.

Additionally, the Nevada Nuclear Waste Task Force and Public Citizen support the State of Nevada's Motion to Strike the siting portions of DOE's appeal.

Sincerely,

Wenonah Hauter
Director, Energy Program
Public Citizen

Judy Treichel
Executive Director
Nevada Nuclear Waste Task Force

Michael Mariotte
Executive Director
Nuclear Information and Resource Service