

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 03/11/05**

**SERVED 03/11/05**

Before Administrative Judges:

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

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  
NEV-01

March 11, 2005

ORDER

On March 9, 2005, the Department of Energy (DOE), the State of Nevada (State), and the NRC Staff electronically filed a joint request for an extension of time until March 28, 2005 in which to submit a joint proposed case management order for privilege logs and associated procedures. By a brief order that same date, the Pre-License Application Presiding Officer Board granted the joint extension request. The Board also indicated it would address other matters raised by the joint request in a subsequent order.

In that regard, if DOE, the State, and the NRC Staff fail to submit a joint proposed case management order prescribing the format for privilege logs and associated procedures to the Board on March 28, 2005, then each of them shall submit separate proposed case management orders on this subject by April 7, 2005. Whether or not DOE, the State, and the Staff submit a joint proposed order, any other potential participants may submit separate proposed case management orders by April 7, 2005. In such use, each person or entity filing such a proposed

order shall file a supplement by April 25, 2005 identifying and explaining the material differences between its proposed order and the other proposed orders.

The joint extension request also indicates (at page 2) that DOE, the State, and the NRC Staff currently intend to distribute on March 14, 2005 their joint proposed order to other participants and “to post it on NRC’s high-level waste website.” The Board notes that there is no NRC high-level waste website per se. The agency has a publicly accessible page for high-level waste on the NRC publicly accessible website (located at [www.nrc.gov/waste/hlw-disposal/regs-guides-comm.html](http://www.nrc.gov/waste/hlw-disposal/regs-guides-comm.html)) which includes a section for “communications.” Neither the agency website nor any page thereon is under the control or within the preview of any licensing board. Therefore, the Board leaves it to counsel for the NRC Staff, as a participant in any joint proposed case management order, to make all necessary arrangements with the Office of Information Systems to place any material on the applicable publicly accessible web page. If wide dissemination of the joint proposed order is the goal, the Board would encourage DOE and the State to consider utilizing their respective websites for that purpose as well.

It is so ORDERED.

For The Pre-License Application  
Presiding Officer Board

[Original signed by:]

---

Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 11, 2005

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 PAPO ORDER ADDRESSING MATTERS RAISED BY THE PARTICIPANTS have been served upon the following persons by electronic mail and/or Electronic Information Exchange as denoted by an asterisk (\*).

**U.S. Nuclear Regulatory Commission**  
**Atomic Safety and Licensing Board Panel**  
Mail Stop - T-3 F23  
Washington, DC 20555-0001  
**Thomas S. Moore, Chair\***  
**Administrative Judge**  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Alex S. Karlin\***  
**Administrative Judge**  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Alan S. Rosenthal\***  
**Administrative Judge**  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov) & [rsnthl@comcast.net](mailto:rsnthl@comcast.net)  
**G. Paul Bollwerk, III\***  
**Administrative Judge**  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Anthony C. Eitrem, Esq.\***  
**Chief Counsel**  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**James M. Cutchin\***  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Bethany L. Engel\***  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Amy C. Roma, Esq.\***  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Jonathan Rund\***  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Susan Stevenson-Popp\***  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Christopher M. Wachter\***  
E-mail: [PAPO@nrc.gov](mailto:PAPO@nrc.gov)  
**Daniel J. Graser\***  
**LSN Administrator**  
E-mail: [djg2@nrc.gov](mailto:djg2@nrc.gov)  
**ASLBP HLW Adjudication**  
E-mail: [ASLBP\\_HLW\\_Adjudication@nrc.gov](mailto:ASLBP_HLW_Adjudication@nrc.gov)

**U.S. Nuclear Regulatory Commission**  
**Office of the Secretary of the Commission**  
Mail Stop - O-16 C1  
Washington, DC 20555-0001  
**Hearing Docket\***  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)  
**Andrew L. Bates\***  
E-mail: [alb@nrc.gov](mailto:alb@nrc.gov)  
**Adria T. Byrdsong\***  
E-mail: [atb1@nrc.gov](mailto:atb1@nrc.gov)  
**Emile L. Julian, Esq.\***  
E-mail: [els@nrc.gov](mailto:els@nrc.gov)  
**Evangeline S. Ngbea\***  
E-mail: [esn@nrc.gov](mailto:esn@nrc.gov)  
**Rebecca L. Giitter\***  
E-mail: [rl@nrc.gov](mailto:rl@nrc.gov)

**U.S. Nuclear Regulatory Commission**  
**Office of Congressional Affairs**  
Mail Stop - O-17 A3  
Washington, DC 20555-0001  
**Thomas R. Combs\***  
E-mail: [trc@nrc.gov](mailto:trc@nrc.gov)

**U.S. Nuclear Regulatory Commission  
Office of the General Counsel**

Mail Stop - O-15 D21  
Washington, DC 20555-0001

**Karen D. Cyr, Esq.**

**General Counsel**

E-mail: [kdc@nrc.gov](mailto:kdc@nrc.gov)

**Shelly D. Cole, Esq.\***

E-mail: [sdcl@nrc.gov](mailto:sdcl@nrc.gov)

**David A. Cummings, Esq.\***

E-mail: [dac3@nrc.gov](mailto:dac3@nrc.gov)

**Gwendolyn D. Hawkins\***

E-mail: [gwh2@nrc.gov](mailto:gwh2@nrc.gov)

**Janice E. Moore, Esq.\***

E-mail: [jem@nrc.gov](mailto:jem@nrc.gov)

**Trip Rothschild, Esq.**

E-mail: [tbr@nrc.gov](mailto:tbr@nrc.gov)

**Tyson R. Smith, Esq.\***

E-mail: [trs1@nrc.gov](mailto:trs1@nrc.gov)

**Mitzi A. Young, Esq.\***

E-mail: [may@nrc.gov](mailto:may@nrc.gov)

**Marian L. Zobler, Esq.\***

E-mail: [mlz@nrc.gov](mailto:mlz@nrc.gov)

**OGCMailCenter\***

E-mail: [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

**Hunton & Williams LLP**

**Counsel for the U.S. Department of Energy**

Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219

**W. Jeffery Edwards, Esq.\***

E-mail: [jedwards@hunton.com](mailto:jedwards@hunton.com)

**Kelly L. Faglioni, Esq.\***

E-mail: [kfaglioni@hunton.com](mailto:kfaglioni@hunton.com)

**Melissa Grier\***

E-mail: [mgrier@hunton.com](mailto:mgrier@hunton.com)

**Donald P. Irwin, Esq.\***

E-mail: [dirwin@hunton.com](mailto:dirwin@hunton.com)

**Stephanie Meharg\***

E-mail: [smeharg@hunton.com](mailto:smeharg@hunton.com)

**Edward P. Noonan, Esq.\***

E-mail: [enoonan@hunton.com](mailto:enoonan@hunton.com)

**Audrey B. Rusteau\***

E-mail: [arusteau@hunton.com](mailto:arusteau@hunton.com)

**Michael R. Shebelskie, Esq.\***

E-mail: [mshebelskie@hunton.com](mailto:mshebelskie@hunton.com)

**Christopher A. Updike\***

E-mail: [cupdike@hunton.com](mailto:cupdike@hunton.com)

**Belinda A. Wright\***

E-mail: [bwright@hunton.com](mailto:bwright@hunton.com)

**Egan, Fitzpatrick, Malsch & Cynkar, PLLC  
Counsel for the State of Nevada**

The American Center at Tysons Corner  
8300 Boone Boulevard, Suite 340  
Vienna, VA 22182

**Robert J. Cynkar, Esq.\***

E-mail: [rcynkar@nuclearlawyer.com](mailto:rcynkar@nuclearlawyer.com)

**Joseph R. Egan, Esq.\***

E-mail: [eganpc@aol.com](mailto:eganpc@aol.com)

**Charles J. Fitzpatrick, Esq.\***

E-mail: [cfitzpatrick@nuclearlawyer.com](mailto:cfitzpatrick@nuclearlawyer.com)

**Jack Kewley\***

E-mail: [jkewley@nuclearlawyer.com](mailto:jkewley@nuclearlawyer.com)

**Martin G. Malsch, Esq.\***

E-mail: [mmalsch@nuclearlawyer.com](mailto:mmalsch@nuclearlawyer.com)

**Susan Montesi\***

E-mail: [smontesi@nuclearlawyer.com](mailto:smontesi@nuclearlawyer.com)

**Nakita Toliver\***

E-mail: [ntoliver@nuclearlawyer.com](mailto:ntoliver@nuclearlawyer.com)

**U.S. Department of Energy**

**Office of General Counsel**

1000 Independence Avenue, S.W.  
Washington, DC 20585

**Martha S. Crosland\***

E-mail: [martha.crosland@hq.doe.gov](mailto:martha.crosland@hq.doe.gov)

**U.S. Department of Energy**

**Office of Civilian Radioactive Waste Mgmt**

**Office of Repository Development**

1551 Hillshire Drive  
Las Vegas, NV 89134-6321

**W. John Arthur, III, Deputy Director**

E-mail: [john\\_arthur@ymp.gov](mailto:john_arthur@ymp.gov)

**U.S. Department of Energy**

**Office of Civilian Radioactive Waste Mgmt**

**Office of Information Mgmt**

Mail Stop 523, P.O. Box 30307  
North Las Vegas, NV 89036-0307

**Harry Leake**

E-mail: [harry\\_leake@ymp.gov](mailto:harry_leake@ymp.gov)

**Mark Van Der Puy**

E-mail: [mark\\_vanderpuy@ymp.gov](mailto:mark_vanderpuy@ymp.gov)

**U.S. Department Of Energy**

**Yucca Mountain Site Characterization Office**

**Chief Counsel's Office**

P.O. Box 30307  
North Las Vegas, NV 89036-0307

**George Hellstrom**

E-mail: [george.hellstrom@ymp.gov](mailto:george.hellstrom@ymp.gov)

**Yucca Mountain Project, Licensing Group,  
DOE/BSC**

**Jeffrey Kriner\***

E-mail: [jeffrey\\_kriner@ymp.gov](mailto:jeffrey_kriner@ymp.gov)

**Nuclear Waste Project Office**

1761 East College Parkway, Suite 118  
Carson City, NV 89706

**Steve Frishman, Tech. Policy Coordinator**

E-mail: [ssteve@nuc.state.nv.us](mailto:ssteve@nuc.state.nv.us)

**Nuclear Waste Technical Review Board**

**Victoria Reich**

E-mail: [reich@nwtarb.gov](mailto:reich@nwtarb.gov)

**Nevada Nuclear Waste Task Force**

Alamo Plaza, 4550 W. Oakley Blvd., Suite 111  
Las Vegas, NV 89102

**Judy Treichel, Executive Director**

E-mail: [judyntwf@aol.com](mailto:judyntwf@aol.com)

**State of Nevada (NV)**

100 N. Carson Street  
Carson City, NV 89710

**Marta Adams**

E-mail: [madams@govmail.state.nv.us](mailto:madams@govmail.state.nv.us)

**Churchill County (NV)**

155 North Taylor Street, Suite 182  
Fallon, NV 89406

**Alan Kall**

E-mail: [comptroller@churchillcounty.org](mailto:comptroller@churchillcounty.org)

**Clark County (NV) Nuclear Waste Division**

500 S. Grand Central Parkway  
Las Vegas, NV 89155

**Irene Navis**

E-mail: [iln@co.clark.nv.us](mailto:iln@co.clark.nv.us)

**Engelbrecht von Tiesenhausen**

E-mail: [evt@co.clark.nv.us](mailto:evt@co.clark.nv.us)

**Eureka County (NV) Yucca Mtn Info Ofc**

P.O. Box 990  
Eureka, NV 89316

**Laurel Marshall, Program Coordinator**

E-mail: [ecmarshall@eurekanv.org](mailto:ecmarshall@eurekanv.org)

**Lincoln County (NV) Nuclear Oversight Prgm**

100 Depot Ave., Suite 15; P.O. Box 1068  
Caliente, NV 89008-1068

**Lea Rasura-Alfano, Coordinator**

E-mail: [jcciac@co.lincoln.nv.us](mailto:jcciac@co.lincoln.nv.us)

**Intertech Services Corporation  
(for Lincoln County)**

P.O. Box 2008  
Carson City, NV 89702-2008

**Dr. Mike Baughman**

E-mail: [bigboff@aol.com](mailto:bigboff@aol.com)

**Mineral County (NV) Board of County  
Commissioners**

P.O. Box 1600  
Hawthorne, NV 89415

**Linda Mathias, Administrator**

**Office of Nuclear Projects**

E-mail: [mineral@oem.hawthorne.nv.us](mailto:mineral@oem.hawthorne.nv.us)

**Nye County (NV) Department of Natural  
Resources & Federal Facilities**

1210 E. Basin Road, Suite 6  
Pahrump, NV 89048

**Les Bradshaw**

E-mail: [clittle@co.nye.nv.us](mailto:clittle@co.nye.nv.us)

**Nye County (NV) Regulatory/Licensing Adv.**

18150 Cottonwood Rd. #265  
Sunriver, OR 97707

**Malachy Murphy**

E-mail: [mrmurphy@cmc.net](mailto:mrmurphy@cmc.net)

**White Pine County (NV) Nuclear  
Waste Project Office**

959 Campton Street  
Ely, NV 89301

**Mike Simon, Director**

**(Heidi Williams, Adm. Assist.)**

E-mail: [wpnucwst1@mwpower.net](mailto:wpnucwst1@mwpower.net)

**Inyo County (CA) Yucca Mtn Nuclear Waste  
Repository Assessment Office**

P.O. Drawer L  
Independence, CA 93526

**Andrew Remus, Project Coordinator**

E-mail: [aremus@gnet.com](mailto:aremus@gnet.com)

**Abby Johnson**

617 Terrace St.  
Carson City, NV 89703

E-mail: [abbyj@gbis.com](mailto:abbyj@gbis.com)

**National Congress of American Indians**

1301 Connecticut Ave. NW - Second floor  
Washington, DC 20036

**Robert I. Holden, Director**

**Nuclear Waste Program**

E-mail: [robert\\_holden@ncai.org](mailto:robert_holden@ncai.org)

**Public Citizen**

215 Pennsylvania Ave, SE  
Washington, DC 20003

**Michele Boyd, Legislative Representative\***

**Critical Mass Energy and Environment**

E-mail: [mboyd@citizen.org](mailto:mboyd@citizen.org)

**Public Citizen Litigation Group**

1600 20<sup>th</sup> Street, NW  
Washington, DC 20009

**Brian Wolfman, Esq.**

E-mail: [bwolfman@citizen.org](mailto:bwolfman@citizen.org)

**Ross, Dixon & Bell**

2001 K Street N.W.  
Washington D.C. 20006-1040

**William H. Briggs**

E-mail: [wbriggs@rdbl.com](mailto:wbriggs@rdbl.com)

**Environment Protection Agency**

**Ray Clark**

E-mail: [clark.ray@epa.gov](mailto:clark.ray@epa.gov)

**Nuclear Energy Institute**

1776 I Street, NW, Suite 400  
Washington, DC 20006-3708

**Michael A. Bauser, Esq.\***

Associate General Counsel

E-mail: [mab@nei.org](mailto:mab@nei.org)

**Robert W. Bishop, Esq.**

E-mail: [rwb@nei.org](mailto:rwb@nei.org)

**Ellen C. Ginsberg, Esq.**

E-mail: [ecg@nei.org](mailto:ecg@nei.org)

**Rod McCullum**

E-mail: [rxm@nei.org](mailto:rxm@nei.org)

**Steven P. Kraft**

E-mail: [spk@nei.org](mailto:spk@nei.org)

**White Pine County**

**City of Caliente**

**Lincoln County**

Jason Pitts

E-mail: [idt@idtservices.com](mailto:idt@idtservices.com)

**Nuclear Information and Resource Service**

Washington, D.C.

**Kevin Kamps**

E-mail: [kevin@nirs.org](mailto:kevin@nirs.org)

[Original signed by Rebecca Giitter]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 11<sup>th</sup> day of March 2005