



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 18, 2005

Cathy A. Catterson, Clerk
U.S. Court of Appeals
for the Ninth Circuit
P.O. Box 193939
95 Seventh Street
San Francisco, CA 94119-3939

Re: *Robert L. Farmer v. NRC*, No. 05-70718 (filed Feb. 11, 2005)

Dear Ms. Catterson:

Enclosed for filing in the above-referenced case is an original and one copy of the Entry of Appearance for Respondent U.S. Nuclear Regulatory Commission and an original and one copy of the Certified Index of the Record. Please file stamp and return the additional copies of the Entry of Appearance and the Certified Index of the Record in the enclosed postage-paid envelope at your convenience.

Please note that, although not named by the petitioner, the United States is also a party to this case pursuant to the Administrative Orders Review Act. *See* 28 U.S.C. § 2344.

Also, please update your records to reflect that John F. Cordes is currently the Solicitor for the NRC. Mr. Cordes's contact information is included on the Entry of Appearance. Previous correspondence from the Court has been addressed to the former Solicitor, William H. Briggs, Jr., who is no longer with our agency. Finally, please remove Ms. Laura C. Zaccari and Ms. Mauri T. Lemoncelli from your service list. They are both NRC attorneys but are not involved in this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared K. Heck", written over a horizontal line.

Jared K. Heck
Attorney

Enclosure: As stated

cc: Service List

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERT L. FARMER,

Petitioner,

v.

U.S. NUCLEAR REGULATORY COMMISSION
and the UNITED STATES OF AMERICA

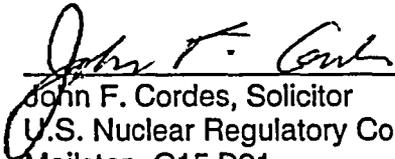
Respondents.

Docket No. 05-70718

ENTRY OF APPEARANCE FOR RESPONDENT
U.S. NUCLEAR REGULATORY COMMISSION

The undersigned attorneys will represent the United States Nuclear Regulatory

Commission in the above-captioned proceeding:


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CERTIFICATE OF SERVICE

I hereby certify that the Entry of Appearance for Respondent U.S. Nuclear Regulatory Commission was served by first class mail this 18th day of March, 2005, upon the following:

Billie Pirner Garde
Clifford & Garde
1707 L Street NW Suite 500
Washington, DC 20036

Gary W. Gantz
Office of the Attorney General
Anchorage Branch
1031 W. Fourth Avenue, Suite 200
Anchorage, AK 99501



Jared K. Heck

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERT L. FARMER,)	
)	
Petitioner,)	
)	
v.)	Docket No. 05-70718
)	
U.S. NUCLEAR REGULATORY COMMISSION)	
and the UNITED STATES OF AMERICA)	
)	
Respondents.)	

CERTIFIED INDEX OF THE RECORD

The United States Nuclear Regulatory Commission (NRC) hereby certifies that the material listed and described below constitutes the administrative record underlying the Commission actions specified in the petition for review in the above-captioned case:

(1) Federal Register Notice: *In the Matter of State of Alaska Department of Transportation and Public Facilities, Anchorage, AK Confirmatory Order Modifying License, (Effective Immediately)* 69 Fed. Reg. 13,594 (Mar. 23, 2004).

(2) The adjudicatory docket: *In the Matter of State of Alaska Department of Transportation and Public Facilities (Confirmatory Order Modifying License)*, Docket No. 030-07710-CO (attached).

Respectfully Submitted,



Annette L. Vietti-Cook
ANNETTE L. VIETTI-COOK
Secretary of the Commission

Dated at Rockville, Maryland
this 17th day of March, 2005

**ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
030-07710-CO**

INDEX OF FILINGS

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
7880	030-07710-CO	ALASKA DOT & PF	REQUEST FOR HEARING SUBMITTED BY BILLIE PIRNER GARDE ON BEHALF OF PETITIONERS ROBERT F. FARMER AND THE ALASKA FORUM FOR ENVIRONMENTAL RESPONSIBILITY	04/09/2004	04/10/2004		ML041560134
7671	030-07710-CO	ALASKA DOT & PF	ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD (MOORE, CHAIR; ABRAMSON AND BOLLWERK) - SERVED	04/27/2004	04/27/2004		ML041250536
7724	030-07710-CO	ALASKA DOT & PF	NRC STAFF'S ANSWER TO REQUEST FOR HEARING BY ROBERT F. FARMER AND THE ALASKA FORUM FOR ENVIRONMENTAL RESPONSIBILITY	05/04/2004	05/05/2004		ML041330506
7863	030-07710-CO	ALASKA DOT & PF	PETITIONERS' MOTION FOR EXTENSION OF TIME	05/07/2004	05/07/2004		ML041550163

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
7749	030-07710-CO	ALASKA DOT & PF	LB ORDER GRANTING MOTION OF PETITIONERS FOR EXTENSION OF TIME UNTIL 05/21/04 - SERVED	05/12/2004	05/12/2004		ML041330518
7864	030-07710-CO	ALASKA DOT & PF	PETITIONERS' CONSENT MOTION FOR EXTENSION OF TIME	05/12/2004	05/12/2004		ML041550174
7770	030-07710-CO	ALASKA DOT & PF	LB ORDER DATED 05/14/04 CONFIRMATORY ORDER MODIFYING LICENSE - SERVED	05/14/2004	05/14/2004		ML041480507
7772	030-07710-CO	ALASKA DOT & PF	E-MAIL FROM LEMONCELLI TO LB IN RESPONSE TO BOARD ORDER OF MAY 12, 2004, REGARDING TIMELINESS OF PETITIONERS' HEARING REQUEST	05/13/2004	05/17/2004		ML041350420
7794	030-07710-CO	ALASKA DOT & PF	ADOT&PF'S ANSWER TO REQUEST FOR HEARING BY ROBOT F. FARMER AND THE ALASKA FORUM FOR ENVIRONMENTAL RESPONSIBILITY W/NOTICE OF APPEARANCE OF GARY W. GANTZ	05/07/2004	05/18/2004		ML041400487

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
7795	030-07710-CO	ALASKA DOT & PF	ADOT & PF'S NON-OPPOSITION TO PETITIONERS' MOTION FOR EXTENSION OF TIME	05/10/2004	05/18/2004		ML041400490
7796	030-07710-CO	ALASKA DOT & PF	ADOT & PF'S SUPPLEMENTAL ANSWER TO REQUEST FOR HEARING BY ROBERT F. FARMER AND THE ALASKA FORUM FOR ENVIRONMENTAL RESPONSIBILITY	05/10/2004	05/18/2004		ML041400492
7866	030-07710-CO	ALASKA DOT & PF	PETITIONERS' REPLY TO THE ANSWERS OF THE NRC STAFF AND LICENSEE OPPOSING PETITIONERS' REQUEST FOR HEARING	05/21/2004	05/21/2004		ML041550184
7914	030-07710-CO	ALASKA DOT & PF	LB ORDER DATED 06/09/04 DIRECTING THE PARTIES TO ANSWER THE QUESTIONS SET FORTH IN THIS ORDER- SERVED	06/09/2004	06/09/2004		ML041690521
7916	030-07710-CO	ALASKA DOT & PF	LB ERRATA - SERVED ON 06/10/04	06/09/2004	06/10/2004		ML041690560

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
7978	030-07710-CO	ALASKA DOT & PF	PETITIONERS' REPLY TO THE ASLB'S JUNE 9, 2004 ORDER	06/15/2004	06/15/2004		ML041750346
7979	030-07710-CO	ALASKA DOT & PF	ERRATA TO PETITIONERS' REPLY TO THE ASLB'S JUNE 9, 2004 ORDER	06/15/2004	06/15/2004		ML041750338
7955	030-07710-CO	ALASKA DOT & PF	NRC STAFF'S RESPONSE TO BOARD'S ORDER DATED JUNE 9, 2004	06/16/2004	06/16/2004		ML041680350
7980	030-07710-CO	ALASKA DOT & PF	ADOT & PF'S ANSWERS TO QUESTIONS BY THE ATOMIC SAFETY ENERGY LICENSING BOARD	06/16/2004	06/17/2004		ML041750343
8018	030-07710-CO	ALASKA DOT & PF	LB NOTICE OF NECESSITY FOR MORE TIME - SERVED	06/28/2004	06/28/2004		ML041810018

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
8197	030-07710-CO	ALASKA DOT & PF	LB NOTICE OF NECESSITY FOR MORE TIME - SERVED	07/27/2004	07/27/2004		ML042110024
8213	030-07710-CO	ALASKA DOT & PF	LB MEMORANDUM AND ORDER (RULING ON REQUEST FOR HEARING) (LBP-04-16) - SERVED	07/29/2004	07/29/2004		ML042160032
8214	030-07710-CO	ALASKA DOT & PF	LB ORDER (SETTING DISCOVERY SCHEDULE) - SERVED	07/30/2004	07/30/2004		ML042160040
8222	030-07710-CO	ALASKA DOT & PF	NRC STAFFS UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO APPEAL THE ATOMIC SAFETY AND LICENSING BOARD MEMORANDUM AND ORDER OF JULY 29, 2004	08/02/2004	08/03/2004		ML042230295
8224	030-07710-CO	ALASKA DOT & PF	NRC STAFFS REQUEST FOR A STAY PENDING APPEAL OF THE ATOMIC SAFETY AND LICENSING BOARD ORDER OF JULY 30, 2004	08/03/2004	08/04/2004		ML042180346

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
8232	030-07710-CO	ALASKA DOT & PF	COMMISSION JULY 29, 2004 ORDER EXTENDED UNTIL AUG. 18, 2004 - SERVED	08/05/2004	08/05/2004		ML042180471
8269	030-07710-CO	ALASKA DOT & PF	LICENSEE'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO APPEAL THE ATOMIC SAFETY AND LICENSING BOARD MEMORANDUM AND ORDER OF JULY 29, 2004	08/03/2004	08/10/2004		ML042250025
8331	030-07710-CO	ALASKA DOT & PF	COMMISSION HOUSEKEEPING STAY OF JULY 30, 2004 ORDER - SERVED	08/16/2004	08/16/2004		ML042290680
8352	030-07710-CO	ALASKA DOT & PF	LICENSEE'S ANSWER IN SUPPORT OF THE NRC STAFF' REQUEST FOR A STAY PENDING APPEAL OF THE ATOMIC SAFETY LICENSING BOARD ORDERS OF JULY 29 AND JULY 30, 2004	08/11/2004	08/17/2004		ML042330024
8357	030-07710-CO	ALASKA DOT & PF	PETITIONER ROBERT F. FARMER'S OPPOSITION TO REQUEST FOR STAY OF THE ATOMIC SAFETY AND LICENSING BOARD ORDER OF JULY 30, 2004	08/13/2004	08/18/2004		ML042330038

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
8364	030-07710-CO	ALASKA DOT & PF	NRC STAFF'S NOTICE OF APPEAL OF LICENSING BOARD ORDER OF JULY 29, 2004 AND ACCOMPANYING BRIEF	08/18/2004	08/19/2004		ML042440679
8374	030-07710-CO	ALASKA DOT & PF	NOTICE OF APPEARANCE OF JASON M. ZUCKERMAN ON BEHALF OF ROBERT FARMER	08/04/2004	08/24/2004		ML042390025
8375	030-07710-CO	ALASKA DOT & PF	LICENSEE'S NOTICE OF APPEAL OF "MEMORANDUM AND ORDER (RULING ON REQUEST FOR HEARING)", LBP-04-16, OF JULY 30, 2004, WITH ACCOMPANYING BRIEF	08/18/2004	08/24/2004		ML042390030
8420	030-07710-CO	ALASKA DOT & PF	PETITIONER'S OPPOSITION TO THE APPEALS OF THE ATOMIC SAFETY AND LICENSING BOARD'S ORDER OF JULY 29, 2004	08/30/2004	09/08/2004		ML042530414
8601	030-07710-CO	ALASKA DOT & PF	COMMISSION MEMORANDUM AND ORDER (CLI-04-26) - SERVED - PROCEEDING ARISES FROM CHALLENGE TO CONFIRMATORY ORDER MODIFYING THE MATERIALS LICENSE	10/07/2004	10/07/2004		ML042810565

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
8688	030-07710-CO	ALASKA DOT & PF	MOTION FOR RECONSIDERATION OF COMMISSION ORDER OF OCT. 7, 2004.	10/18/2004	10/19/2004		ML043010430
8713	030-07710-CO	ALASKA DOT & PF	LETTER FROM ZACCARI TO LB INFORMING THAT EFFECTIVE 10/25/04, THE COMM HAS BLOCKED PUBLIC ACCESS TO LICENSEE/APPLICANT AND STAFF-GENERATED DOCUMENTS RELATED TO THIS PROCEEDING THRU ADAMS, TO ALLOW STAFF TO REVIEW ALL DOCUMENTS AND REMOVE SENSITIVE. . .	10/25/2004	10/25/2004		ML043010035
8748	030-07710-CO	ALASKA DOT & PF	NOTICE OF CHANGE OF ADDRESS FOR BILLIE PIRNER GARDE AND JASON MARK ZUCKERMAN	10/22/2004	10/25/2004		ML043080299
8738	030-07710-CO	ALASKA DOT & PF	NRC STAFF RESPONSE TO ROBERT F. FARMER'S MOTION FOR RECONSIDERATION	10/28/2004	10/28/2004		ML043130258
8762	030-07710-CO	ALASKA DOT & PF	LICENSEE'S ANSWER TO OPPOSITION TO "MOTION FOR RECONSIDERATION" OF CLI-04-26 (OCTOBER 7, 2004), FILED BY PETITIONER, MR. ROBERT F. FARMER	10/29/2004	10/29/2004		ML043100199

RAS ID NO.	DOCKET NUMBER	PLANT NAME	DESCRIPTION	DOCUMENT DATE	DOCKET DATE	RELATED CORRES.	ACCESSIO N NO.
8869	030-07710-CO	ALASKA DOT & PF	LETTER FROM ZACCARI TO LB INFORMING THAT SECURITY REVIEW FOR THE DOCUMENTS TEMPORARILY SUSPENDED FROM PUBLIC AVAILABILITY IS ONGOING	11/17/2004	11/19/2004		ML043230152
8980	030-07710-CO	ALASKA DOT & PF	COMMISSION MEMORANDUM AND ORDER (CLI-04-38) - SERVED - ROBERT FARMER'S CHALLENGE TO CONFIRMATORY ORDER MODIFYING THE MATERIALS LICENSE	12/14/2004	12/14/2004		ML043490522

CERTIFICATE OF SERVICE

I hereby certify that the Certified Index of the Record was served by first class mail this
18th day of March, 2005, upon the following:

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