November 15, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

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)	)	

THE DEPARTMENT OF ENERGY'S DESIGNATION OF
SENIOR OFFICIAL FOR DELIBERATIVE PROCESS PRIVILEGE

The U.S. Department of Energy (DOE) previously designated Ronald A. Milner, the Chief Operating Officer for DOE's Office of Civilian Radioactive Waste Management (OCRWM), as its official to approve the assertion of the deliberative process privilege in this proceeding for documents in OCRWM's purview. *See* Department of Energy's Memorandum in Response to May 11, 2005 Memorandum and Order regarding Second Case Management Conference (May 12, 2005) at pp. 14-15. Mr. Milner has retired from DOE, and effective October 31, 2006, Alan B. Brownstein, who currently serves as OCRWM's Chief Operating Officer, has been delegated the authority by the Director of OCRWM to approve the assertion of the deliberative process privilege in this proceeding for documents in OCRWM's purview.

Mr. Brownstein has worked for OCRWM for over 20 years. Prior to his current position, he has served variously as Senior Policy Advisor to the Director of OCRWM, Director of the OCRWM Regulatory Coordination Division, Director of the OCRWM Waste Acceptance Division, and in other positions within OCRWM.

Consistent with the Board's direction at the May 4, 2005 case management conference, counsel for DOE has conferred with counsel for the NRC Staff and counsel for the State of Nevada about this designation. *See* May 4, 2005 Transcript at pp. 76-77, 280. They have advised that their respective clients have no objection to Mr. Brownstein's acting as DOE's official to authorize the deliberative process privilege in this proceeding for documents in OCRWM's purview.

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

By Original Signed by Michael R. Shebelskie

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

Dated: November 15, 2006

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THE DEPARTMENT OF ENERGY'S DESIGNATION OF SENIOR OFFICIAL FOR DELIBERATIVE PROCESS PRIVILEGE
CERTIFICATE OF SERVICE

I certify that copies of the foregoing THE DEPARTMENT OF ENERGY'S DESIGNATION OF SENIOR OFFICIAL FOR DELIBERATIVE PROCESS PRIVILEGE in the above captioned proceeding have been served on the following persons on November 15, 2006 by Electronic Information Exchange.

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
Alex S. Karlin
Administrative Judge
E-mail: PAPO@nrc.gov
Alan S. Rosenthal
Administrative Judge
E-mail: PAPO@nrc.gov &
rsnthl@comcast.net
G. Paul Bollwerk, III
Administrative Judge
E-mail: PAPO@nrc.gov
Anthony C. Eitreim, Esq.
Chief Counsel
E-mail: PAPO@nrc.gov
James M. Cutchin
E-mail: PAPO@nrc.gov
Bethany L. Engel
E-mail: PAPO@nrc.gov
Jonathan Rund
E-mail: PAPO@nrc.gov
Susan Stevenson-Popp
E-mail: PAPO@nrc.gov
Bradley S. Baxter
E-mail: bxb@nrc.gov
Daniel J. Graser
LSN Administrator
E-mail: djg2@nrc.gov
ASLBP HLW Adjudication
E-mail:
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
Andrew L. Bates
E-mail: alb@nrc.gov
Adria T. Byrdsong
E-mail: atb1@nrc.gov
Emile L. Julian, Esq.

E-mail: elj@nrc.gov
Evangeline S. Ngbea
E-mail: esn@nrc.gov
Rebecca L. Giitter
E-mail: rll@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Congressional Affairs
Mail Stop -O-17A3
Thomas R. Combs
E-mail: trc@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Public Affairs
Mail Stop - O-2A13
David McIntyre
E-mail: dtm@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Mail Stop - T-7 F3
Washington, DC 20555-0001
Jeffrey A. Ciocco
Email: jac3@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
David A. Cummings, Esq.
E-mail: dac3@nrc.gov
Gwendolyn D. Hawkins
E-mail: gxh2@nrc.gov
Janice E. Moore, Esq.
E-mail: jem@nrc.gov
Trip Rothschild, Esq.
E-mail: tbr@nrc.gov
Harry E. Wedewer, Esq.
E-mail: hew@nrc.gov
Mitzi A. Young, Esq.
E-mail: may@nrc.gov
Marian L. Zobler, Esq.
E-mail: mlz@nrc.gov
OGCMailCenter
E-mail: OGCMailCenter@nrc.gov

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
Joseph R. Egan, Esq.
E-mail: eganpc@aol.com
Charles J. Fitzpatrick, Esq.
E-mail: cfitzpatrick@nuclearlawyer.com
Jack Kewley
E-mail: jkewley@nuclearlawyer.com
Martin G. Malsch, Esq.
E-mail: mmalsch@nuclearlawyer.com
Susan Montesi
E-mail: smontesi@nuclearlawyer.com
Nakita Toliver
E-mail: ntoliver@nuclearlawyer.com

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
Ellen C. Ginsberg, Esq.
E-mail: ecg@nei.org
Rod McCullum
E-mail: rxm@nei.org
Steven P. Kraft
E-mail: spk@nei.org
Ann W. Cottingham
E-mail: awc@nei.org

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
Mark Van Der Puy
E-mail: mark_vanderpuy@ymp.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

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue, S.W.
Washington, DC 20585
Martha S. Crosland, Esq.
E-mail: martha.crosland@hq.doe.gov
Angela M. Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov

U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
William Greene, Public Information Officer
william.greene@rw.doe.gov

U.S. Department Of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321
George W. Hellstrom
E-mail: george.hellstrom@ymp.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
Kelly L. Faglioni, Esq.
E-mail: kfaglioni@hunton.com
Melissa Grier
E-mail: mgrier@hunton.com
Donald P. Irwin, Esq.
E-mail: dirwin@hunton.com
Stephanie Meharg
E-mail: smeharg@hunton.com
Edward P. Noonan, Esq.
E-mail: enoonan@hunton.com
Audrey B. Rusteau
E-mail: arusteau@hunton.com
Michael R. Shebelskie, Esq.
E-mail: mshebelskie@hunton.com
Christopher A. Updike
E-mail: cupdike@hunton.com
Belinda A. Wright
E-mail: bwright@hunton.com
Andrew T. Barnes
E-mail: abarnes@hunton.com

White Pine County
City of Caliente
Lincoln County
Jason Pitts
E-mail: idt@idtservices.com

Lander County Nuclear Waste Oversight Program
315 South Humboldt St.
Battle Mountain, NV 89820
Deborah Teske, Administrator
E-mail: dteske@landercounty.com

Intertech Services Corporation
(for Lincoln County)
P.O. Box 2008
Carson City, NV 89702-2008
Dr. Mike Baughman
E-mail: bigboff@aol.com

Environment Protection Agency
Ray Clark
E-mail: clark.ray@epa.gov

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

Senator Harry Reid
Attn: Sandra Schubert
Room 528 Hart Senate Office Building
United States Senate
Washington, DC 20510-2803
Email: sandra_schubert@reid.senate.gov

Abby Johnson
617 Terrace St.
Carson City, NV 89703
E-mail: 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

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

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

State of Nevada (NV)
100 N. Carson Street
Carson City, NV 89710
Marta Adams
E-mail: maadams@ag.state.nv.us

Lander, Churchill and Mineral County
P. O. Box 33908
Reno, NV 89533
Loreen Pitchford, LNS Administrator for Lander
E-mail: lpitchford@comcast.net

Talisman International, LLC
1000 Potomac St., NW
Suite 300
Washington, D.C. 20007
Patricia Larimore
E-mail: plarimore@talisman-intl.com

Inyo County (CA) Yucca Mtn Nuclear Waste
Repository Assessment Office
Chris Howard
GIS/LAN Administrator
Inyo County
163 May St.
Bishop, CA 93514
E-mail: choward@inyowater.org

Nuclear Waste Technical Review Board
Victoria Reich
E-mail: reich@nwtrb.gov
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

Inyo County (CA) Yucca Mtn Nuclear Waste
Repository Assessment Office
P.O. Drawer L
Independence, CA 93526
Andrew Remus, Project Coordinator
E-mail: aremus@qnet.com

Nye County (NV) Department of Natural
Resources & Federal Facilities
1210 E. Basin Road, Suite 6
Pahrump, NV 89048

David Swanson
E-mail: dswanson@nyecounty.net

Nye County (NV) Regulatory/Licensing Adv.
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy
E-mail: mrmurphy@cmc.net

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Robert Loux
E-Mail: bloux@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinator
E-mail: steve.frishman@gmail.com

Nevada Nuclear Waste Task Force
Alamo Plaza, 4550 W. Oakley Blvd., Suite 111
Las Vegas, NV 89102
Judy Treichel, Executive Director
E-mail: judynwtf@aol.com

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

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

Eureka County (NV) Yucca Mtn Info Ofc
P.O. Box 990
Eureka, NV 89316
Laurel Marshall, Program Coordinator
E-mail: ecmarshall@eurekanv.org

Counsel to Eureka County and Lander County, Nevada
1726 M Street N.W., Suite 600
Washington, D.C. 20036
Diane Curran
E-mail: dcurran@harmoncurran.com

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

U.S. DEPARTMENT OF ENERGY

By Original Signed by Michael R. Shebelskie

Donald P. Irwin
Michael R. Shebelskie
Kelly L. Faglioni
HUNTON & WILLIAMS
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