

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Atomic Safety and Licensing Board
Before Administrative Judges:**

ASLBP BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chairman Paul S. Ryerson Richard E. Wardwell
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In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High Level Waste Repository))	August 28, 2009

**STATE OF NEVADA’S NOTICE OF FILING
NON-DISCLOSURE DECLARATION**

State of Nevada files the Non-Disclosure Declaration (attached hereto as Exhibit A) with respect to its treatment of documents it may receive from DOE's Employee Concerns Program (ECP). This agreement is filed in accordance with paragraph V.C.2. of the PAPO Board's Revised Second Case Management Order (July 6, 2007), as adopted by the CAB Case Management Order No. 1 on January 29, 2009.

Respectfully submitted,

(signed electronically)
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Dated: August 28, 2009

Exhibit A

APPENDIX J

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

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:
Pre-Application Matters)

NON-DISCLOSURE DECLARATION

Under penalty of perjury, I hereby declare my understanding that access to protected ECP documents is provided to me pursuant to the terms and restrictions of the Protective Order, dated July ~~8~~⁶, 200~~8~~⁷, that I have been given a copy of and have read this Protective Order; and that I agree to be bound by it. I understand that the contents of any protected ECP document, as defined in that order, shall not be disclosed to anyone other than in accordance with that order. I acknowledge that a violation of this declaration or the Protective Order, which incorporates the terms of this declaration, constitutes a violation of an order of the Nuclear Regulatory Commission and may result in the imposition of sanctions as the Pre-License Application Presiding Officer (PAPO) Board, a subsequent presiding officer in this proceeding, or the Commission may deem to be appropriate. Such sanctions may include, but are not limited to, refusal to consider a filing by the offending receiver; denial of the right to receive documents under this or any other protective order in this proceeding; denial of the right to cross-examine or present evidence; refusal to allow the counsel, consultant, or other representative of a receiver to

participate in this proceeding; dismissal of one or more of a receiver's contentions; or dismissal of the participant from the proceeding. In addition, sanctions may include referral of the violation to appropriate bar associations and/or other disciplinary authorities, including the U.S.

Department of Justice for criminal prosecution, if appropriate.

WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

Name (printed): CHARLES J. FITZPATRICK
Title: ATTORNEY
Representing: STATE OF NEVADA
Signature: Charles J. Fitzpatrick
Date: August 27, 2009

Subscribed to and sworn or affirmed before me this 27th day of August, 2009.

Colleen E. Smith
NOTARY PUBLIC

COLLEEN E. SMITH
Notary Public, State of New York
Qualified in Rensselaer County
No. 01SM6054409
Commission Expires Feb. 5, 2011

My commission expires on: 2/5/2011

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Atomic Safety and Licensing Board

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High Level Waste Repository))	August 28, 2009

CERTIFICATE OF SERVICE

I hereby certify that the foregoing State of Nevada's Notice of Filing Non-Disclosure Declaration has been served upon the following persons by the Electronic Information Exchange:

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