

**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
--

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High Level Waste Repository))	September 1, 2009

**STATE OF NEVADA'S NOTICE OF FILING
NON-DISCLOSURE DECLARATIONS**

State of Nevada files the Non-Disclosure Declarations (attached hereto as Exhibit A) with respect to its treatment of documents it may receive from DOE's Employee Concerns Program (ECP). These declarations are 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)
Charles J. Fitzpatrick *
Martin G. Malsch *
John W. Lawrence *
Egan, Fitzpatrick, Malsch & Lawrence, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
Tel: 210.496.5001
Fax: 210.496.5011
cfitzpatrick@nuclearlawyer.com
mmalsch@nuclearlawyer.com
jlawrence@nuclearlawyer.com

*Special Deputy Attorneys General

Dated: September 1, 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

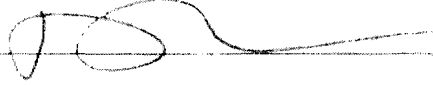
(High Level Waste Repository:
Pre-Application Matters)

NON-DISCLOSURE DECLARATION

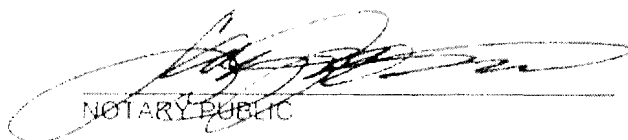
Under penalty of perjury, I hereby declare my understanding that access to protected ECP documents is provided to me pursuant to the terms and restrictions of the Protective Order, dated July ~~8~~⁶, 200~~7~~⁷, that I have been given a copy of and have read this Protective Order; and that I agree to 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): Master S. Malsch
Title Partner, Egan Fitzpatrick Malsch & Lawrence PLLC
Representing State of Nevada
Signature 
Date: Aug 31, 2009

Subscribed to and sworn or affirmed before me this 31st day of August, 2009


NOTARY PUBLIC

My commission expires on: August 31, 2010
Notary Public, State of Nevada
Commission Expires: 8/31/2010

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)

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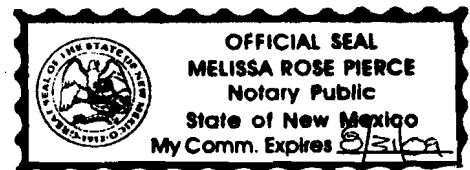
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

Name (printed): JOHN W. LAWRENCE
 Title: PARTNER, EGAN, FITZPATRICK, MALSCHER/LAWRENCE
 Representing: STATE OF NEVADA
 Signature: [Handwritten Signature]
 Date: 8/31/2009

Subscribed to and sworn or affirmed before me this 31st day of Aug, 2009.

[Handwritten Signature]
 NOTARY PUBLIC

My commission expires on: 8/31/2011



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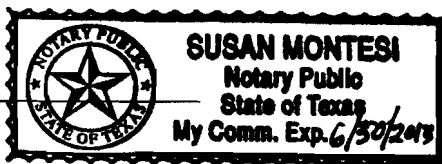
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

Name (printed): Allen Messenger
Title: Consultant
Representing: State of Nevada
Signature: *Allen Messenger*
Date: 8-31-2009

Subscribed to and sworn or affirmed before me this 31 day of Aug, 2009.

Susan Montesi
NOTARY PUBLIC

My commission expires on: _____



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:
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Department of Justice for criminal prosecution, if appropriate.

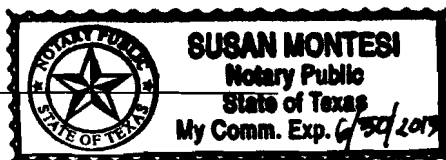
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

Name (printed): Laurie Borski
Title: Paralegal
Representing: State of NEVADA
Signature: Laurie Borski
Date: 31 August 2009

Subscribed to and sworn or affirmed before me this 31 day of Aug., 2009.

Susan Montesi
NOTARY PUBLIC

My commission expires on: _____



APPENDIX J

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

In the Matter of

U.S. DEPARTMENT OF ENERGY

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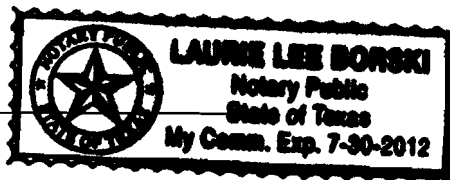
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

Name (printed): Susan Montesi
Title: Paralegal
Representing: State of Nevada
Signature: Susan Montesi
Date: 8-28-2009
31

Subscribed to and sworn or affirmed before me this 31
28 day of Aug., 2009

Laurie Borski
NOTARY PUBLIC

My commission expires on: _____



**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))	September 1, 2009

CERTIFICATE OF SERVICE

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

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
Washington, DC 20555-0001

CAB 01

William J. Froehlich, Chair
Administrative Judge
E-mail: wjfl@nrc.gov
Thomas S. Moore
Administrative Judge
E-mail: tsm2@nrc.gov
Richard E. Wardwell
Administrative Judge
E-mail: rew@nrc.gov

CAB 02

Michael M. Gibson, Chair
Administrative Judge
E-mail: mmg3@nrc.gov
Alan S. Rosenthal
Administrative Judge
E-mail: axr@nrc.gov
Nicholas G. Trikouros
Administrative Judge
E-mail: NGT@NRC.GOV

CAB 03

Paul S. Ryerson, Chair
Administrative Judge
E-mail: psr1@nrc.gov
Michael C. Farrar
Administrative Judge
E-mail: mcf@nrc.gov
Mark O. Barnett
Administrative Judge
E-mail: mob1@nrc.gov
mark.barnett@nrc.gov

CAB 04

Thomas S. Moore, Chair
Administrative Judge
E-mail: tsm2@nrc.gov
Paul S. Ryerson
Administrative Judge
E-mail: psr1@nrc.gov
Richard E. Wardwell
Administrative Judge
E-mail: rew@nrc.gov

Anthony C. Eitreim, Esq., Chief Counsel
Email: ace1@nrc.gov
Daniel J. Graser, LSN Administrator
Email: djg2@nrc.gov
Lauren Bregman
Email: lrb1@nrc.gov

Sara Culler
 Email: sara.culler@nrc.gov
 Joseph Deucher
 Email: jhd@nrc.gov
 Patricia Harich
 Email: patricia.harich@nrc.gov
 Zachary Kahn
 Email: zxk1@nrc.gov
 Erica LaPlante
 Email: ea11@nrc.gov
 Matthew Rotman
 Email: matthew.rotman@nrc.gov
 Andrew Welkie
 Email: axw5@nrc.gov
 Jack Whetstine
 Email: jgw@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
 Email: hearingdocket@nrc.gov
 Andrew L. Bates
 Email: alb@nrc.gov
 Adria T. Byrdsong
 Email: atb1@nrc.gov
 Emile L. Julian, Esq.
 Email: elj@nrc.gov
 Evangeline S. Ngbea
 Email: esn@nrc.gov
 Rebecca L. Giitter
 Email: rll@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of Comm Appellate Adjudication
 Mail Stop - O-16C1
 Washington, DC 20555-0001
 OCAA Mail Center
 Email: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of the General Counsel
 Mail Stop - O-15 D21
 Washington, DC 20555-0001
 Mitzi A. Young, Esq.
 Email: may@nrc.gov

Marian L. Zobler, Esq.
 Email: mlz@nrc.gov
 Andrea L. Silvia, Esq.
 Email: alc1@nrc.gov
 Daniel Lenehan, Esq.
 Email: dwl2@nrc.gov
 Margaret J. Bupp, Esq.
 Email: mjb5@nrc.gov
 Adam S. Gendelman
 Email: Adam.Gendelman@nrc.gov
 Joseph S. Gilman, Paralegal
 Email: jsg1@nrc.gov
 Karin Francis, Paralegal
 Email: kfx4@nrc.gov
 OGCMailCenter
 Email: 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
 Kelly L. Faglioni, Esq.
 Email: kfaglioni@hunton.com
 Donald P. Irwin, Esq.
 Email: dirwin@hunton.com
 Michael R. Shebelskie, Esq.
 Email: mshebelskie@hunton.com
 Pat Slayton
 Email: pslayton@hunton.com

U.S. Department Of Energy
 Office of General Counsel
 1551 Hillshire Drive
 Las Vegas, NV 89134-6321
 George W. Hellstrom
 Email: george.hellstrom@ymp.gov

U.S. Department of Energy
 Office of General Counsel
 1000 Independence Avenue, S.W.
 Washington, DC 20585
 Martha S. Crosland, Esq.
 Email: martha.crosland@hq.doe.gov
 Nicholas P. DiNunzio, Esq.
 Email: nick.dinunziok@rw.doe.gov

James Bennett McRae
 Email: ben.mcrae@hq.doe.gov
 Mary B. Neumayr, Esq.
 Email: mary.neumayr@hq.doe.gov
 Christina C. Pak, Esq.
 Email: christina.pak@hq.doe.gov

U.S. Department of Energy
 Office of Counsel
 Naval Sea Systems Command
 Nuclear Propulsion Program
 1333 Isaac Hull Avenue, SE
 Washington Navy Yard, Building 197
 Washington, DC 20376
 Frank A. Putzu, Esq.
 Email: frank.putzu@navy.mil

Yucca Mountain Project, Licensing Group,
 DOE/BSC
 1251 Center Crossing Road, M/S 423
 Las Vegas, NV 89144
 Jeffrey Kriner, Regulatory Programs
 Email: jeffrey_kriner@ymp.gov
 Stephen J. Cereghino, Licensing/Nucl Safety
 Email: stephen_cereghino@ymp.gov

Yucca Mountain Project, Licensing Group,
 DOE/BSC
 6000 Executive Blvd., Suite 608
 North Bethesda, MD 20852
 Edward Borella, Sr Staff,
 Licensing/Nuclear Safety
 Email: edward_borella@ymp.gov
 Danny R. Howard, Sr. Licensing Engineer
 Email: danny_howard@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
 Timothy C. Gunter
 Email: timothy_gunter@ymp.gov

U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585
 Eric Knox, Associate Director, Systems
 Operations and External Relations, OCRWM
 Email: eric.knox@hq.doe.gov
 Dong Kim, LSN Project Manager, OCRWM
 Email: dong.kim@rw.doe.gov

Morgan, Lewis, Bockius LLP
 1111 Pennsylvania Ave., NW
 Washington, DC 20004
 Lewis Csedrik, Esq.
 Email: lcshedrik@morganlewis.com
 Jay Gutierrez, Esq.
 Email: jgutterrez@morganlewis.com
 Charles B. Moldenhauer, Associate
 Email: cmoldenhauer@morganlewis.com
 Brian P. Oldham, Esq.
 Email: boldham@morganlewis.com
 Thomas Poindexter, Esq.
 Email: tpoindexter@morganlewis.com
 Alex S. Polonsky, Esq.
 Email: apolonsky@morganlewis.com
 Thomas A. Schmutz, Esq.
 Email: tschmutz@morganlewis.com
 Donald Silverman, Esq.
 Email: dsilverman@morganlewis.com
 Annette M. White, Associate
 Email: c@morganlewis.com
 Paul J. Zaffuts, Esq.
 Email: pzaffuts@morganlewis.com
 Clifford W. Cooper, Paralegal
 Email: ccooper@morganlewis.com
 Shannon Staton, Legal Secretary
 Email: sstaton@morganlewis.com

Carter Ledyard & Milburn, LLP
 Counsel for Lincoln County
 1401 Eye Street, N.W., Suite 300
 Washington, DC 20005
 Barry S. Neuman, Esq.
 Email: neuman@clm.com

Churchill, Esmeralda, Eureka, Mineral
and Lander Counties
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, LSN Coordinator
for Lander County
Email: lpitchford@comcast.net

Robert List
Armstrong Teasdale LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-62237
Email: rlist@armstrongteasdale.com

City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101
Margaret Plaster, Management Analyst
Email: mplaster@LasVegasNevada.gov

Clark County Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 89155
Irene Navis
Email: iln@co.clark.nv.us
Engelbrecht von Tiesenhausen
Email: evt@co.clark.nv.us
Philip Klevatorick
Email: klevatorick@co.clark.nv.us

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Bruce Breslow
Email: breslow@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinator
Email: steve.frishman@gmail.com

Eureka County and Lander County
Harmon, Curran, Speilberg & Eisenberg
1726 M. Street N.W., Suite 600
Washington, DC 20036
Diane Curran, Esq.
Email: dcurran@harmoncurran.com

Nevada Nuclear Waste Task Force
P.O. Box 26177
Las Vegas, NV 89126
Judy Treichel, Executive Director
Email: judyntwf@aol.com

Talisman International, LLC
1000 Potomac St., N.W., Suite 300
Washington, D.C. 20007
Patricia Larimore
Email: plarimore@talisman-intl.com

Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
Michael A. Bauser, Esq.
Associate General Counsel
Email: mab@nei.org
Anne W. Cottingham, Esq.
Email: awc@nei.org
Ellen C. Ginsberg, Esq.
Email: ecg@nei.org
Rod McCullum
Email: rxm@nei.org
Steven P. Kraft
Email: spk@nei.org
Jay E. Silberg
Email: jay.silberg@pillsburylaw.com
Timothy J.V. Walsh
Email: timothy.walsh@pillsburylaw.com

White Pine County
City of Caliente
Lincoln County
P.O. Box 126
Caliente, NV 89008
Jason Pitts
Email: jayson@idtservices.com

Nuclear Information and Resource Service
6930 Carroll Avenue, Suite 340
Takoma Park, MD 20912
Michael Mariotte, Executive Director
Email: nirsnet@nirs.org

Radioactive Waste Watchdog
 Beyond Nuclear
 6930 Carroll Avenue, Suite 400
 Takoma Park, MD 20912
 Kevin Kamps
 Email: kevin@beyondnuclear.org

Abigail Johnson
 612 West Telegraph Street
 Carson City, NV 89703
 Email: abbyj@gbis.com

National Congress of American Indians
 1301 Connecticut Ave. NW - Second floor
 Washington, DC 20036
 Robert I. Holden, Director
 Nuclear Waste Program
 Email: robert_holden@ncai.org

Churchill County (NV)
 155 North Taylor Street, Suite 182
 Fallon, NV 89406
 Alan Kalt
 Email: comptroller@churchillcounty.org

Inyo County Water Department
 Yucca Mtn Nuclear Waste
 Repository Assessment Office
 163 May St.
 Bishop, CA 93514
 Matt Gaffney, Project Associate
 Email: mgaaffney@inyoyucca.org

Mr. Pat Cecil
 Inyo County Planning Director
 P.O. Box L
 Independence, CA 93526
 Email: pcecil@inyocounty.us

Robert S. Hanna
 233 E. Carrillo St., Suite B
 Santa Barbara, CA 93101
 Email: rshanna@bsglaw.net

Michael C. Berger
 233 E. Carrillo St., Suite B
 Santa Barbara, CA 93101
 Email: mberger@bsglaw.net

Environmental Protection Agency
 Ray Clark
 Email: clark.ray@epa.gov

Nuclear Waste Technical Review Board
 Joyce Dory
 Email: dory@nwtrb.gov

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

Nye County Department of Natural
 Resources & Federal Facilities
 1210 E. Basin Road, Suite 6
 Pahrump, NV 89048
 David Swanson
 Email: dswanson@nyecounty.net

Lincoln County Nuclear Oversight Prgm
 100 Depot Ave., Suite 15; P.O. Box 1068
 Caliente, NV 89008-1068
 Lea Rasura-Alfano, Coordinator
 Email: jcciac@co.lincoln.nv.us

Nye County Regulatory/Licensing Adv.
 18160 Cottonwood Rd. #265
 Sunriver, OR 97707
 Malachy Murphy
 Email: mrmurphy@chamberscable.com

Mineral County Board of Commissioners
 P.O. Box 1600
 Hawthorne, NV 89415
 Linda Mathias, Administrator
 Office of Nuclear Projects
 Email: yuccainfo@mineralcountynv.org

State of Nevada
 100 N. Carson Street
 Carson City, NV 89710
 Marta Adams
 Email: madams@ag.state.nv.us

White Pine County (NV) Nuclear
 Waste Project Office
 959 Campton Street
 Ely, NV 89301
 Mike Simon, Director
 (Heidi Williams, Adm. Assist.)
 Email: wpnucwst1@mwpower.net

Fredericks & Peebles, L.L.P.
 1001 Second Street
 Sacramento, CA 95814
 916-441-2700
 FAX 916-441-2067
 Darcie L. Houck
 Email: dhouck@ndnlaw.com
 John M. Peebles
 Email: jpeebles@ndnlaw.com
 Joe Kennedy, Chairman
 Email: chairman@timbisha.org
 Barbara Durham
 Tribal Historic Preservation Officer
 Email: dvdurbarbara@netscape.com

Susan Durbin
 Deputy Attorney General
 California Department of Justice
 1300 I St.
 P.O. Box 944255
 Sacramento, CA, 94244-2550
 Email: susan.durbin@doj.ca.gov

Brian Hembacher
 Deputy Attorney General
 California Department of Justice
 300 S. Spring St
 Los Angeles, CA 90013
 Email: brian.hembacher@doj.ca.gov

Timothy E. Sullivan
 Deputy Attorney General
 California Department of Justice
 1515 Clay St., 20th Flr.
 P.O. Box 70550
 Oakland, CA 94612-0550
 Email: timothy.sullivan@doj.ca.gov

Brian Wolfman
 Public Citizen Litigation Group
 1600 20th Street, N.W.
 Washington, D.C. 20009

Kevin W. Bell
 Senior Staff Counsel
 California Energy Commission
 1516 9th Street
 Sacramento, CA 95814
 Email: kwbell@energy.state.ca.us

Jeffrey D. VanNiel
 530 Farrington Court
 Las Vegas, NV 89123
 Email: nbridvnr@gmail.com

Ethan I. Strell
 Carter Ledyard & Milburn LLP
 2 Wall Street
 New York, NY 10005
 Email: strell@clm.com

Jennings, Strouss & Salmon, PLC
 1700 Pennsylvania Avenue, N.W., Suite 500
 Washington DC 20006-4725
 Alan I. Robbins
 Email: arobbins@jsslaw.com
 Debra D. Roby
 Email: droby@jsslaw.com

Steven A. Heinzen
 Godfrey & Kahn, S.C.
 One East Main Street, Suite 500
 P.O. Box 2719
 Madison, WI 53701-2719
 Email: sheinzen@gklaw.com

Douglas M. Poland
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Email: dpoland@gklaw.com

Arthur J. Harrington
Godfrey & Kahn, S.C.
780 N. Water Street
Milwaukee, WI 53202
Email: aharrington@gklaw.com

Gregory Barlow
P.O. Box 60
Pioche, NV 89043
Email: lcta@lcturbonet.com

Connie Simkins
P.O. Box 1068
Caliente, NV 89008
Email: jcciac@co.lincoln.nv.us

Bret O. Whipple
1100 South Tenth Street
Las Vegas, NV 89104
Email: bretwhipple@nomademail.com
Eric Hinckley
Email: erichinckley@yahoo.com

Richard Sears
801 Clark Street, Suite 3
Ely, NV 89301
Email: rwsears@wpcda.org

Alexander, Berkey, Williams & Weathers
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey
Email: cberkey@abwwlaw.com
Scott W. Williams
Email: swilliams@abwwlaw.com
Rovianne A. Leigh
Email: rleigh@abwwlaw.com

(signed electronically)
Susan Montesi