

**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
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San Antonio, TX 78216
Tel: 210.496.5001
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*Special Deputy Attorneys General

Dated: September 1, 2009

Exhibit A

APPENDIX J

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

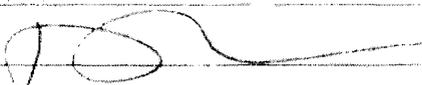
In the Matter of
U.S. DEPARTMENT OF ENERGY
(High Level Waste Repository:
Pre-Application Matters)

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): Maestro S. Malsow
Title Partner, Egan Fitzpatrick Malsow & 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:
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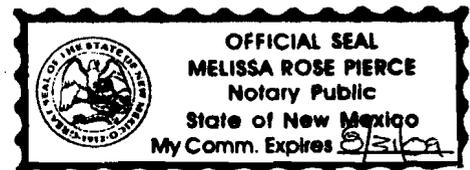
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

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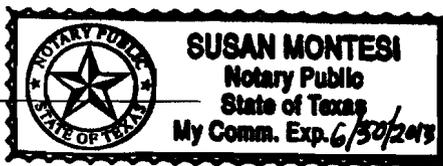
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

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.

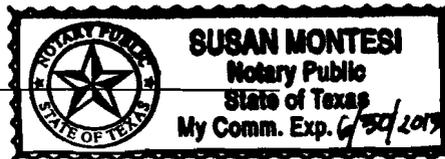
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

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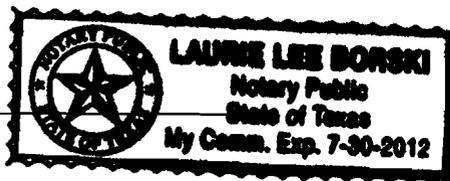
WHEREFORE, I do solemnly agree to protect such protected ECP documents as may be disclosed to me in this NRC proceeding, in accordance with the terms of this declaration.

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:

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