INTRODUCTION

On April 21, 2010, the Board ordered Lincoln County, NV, the U.S. Department of Energy (DOE), the Licensing Support Network Administrator (LSNA) and the NRC staff (Staff) to file answers to questions related to LSN preservation and archiving activities by May 24, 2010. Order (Questions for Several Parties and LSNA), April 21, 2010 (unpublished) (Order). The Staff answers to the Board’s questions are set forth below.

BACKGROUND

On December 17, 2009, the LSNA filed a memorandum concerning potential impacts on the LSN should the DOE withdraw its license application for a proposed geologic repository at Yucca Mountain, Nevada. Memorandum from Daniel J. Graser, LSNA to Administrative Judges, Issues Regarding Funding for Continued Operation of the Licensing Support Network (Dec. 17, 2009) (LSNA Memorandum). On December 22, 2009, the Board directed the parties to prepare to discuss the issues raised in the LSNA Memorandum and encouraged parties to file written comments. Order (Concerning LSN Memorandum), dated December 22, 2009
The Board also directed parties not to take any actions that would prevent or hinder their ability to archive LSN documentary material in a readily accessible format. *Id.* at 2.

The Staff provided its comments in response to the LSNA’s Memorandum on January 21, 2010. NRC Staff Comments Concerning LSNA Memorandum, dated January 21, 2010. The Staff explained that even if the LSN were suspended or terminated, items in the Staff’s LSN collection would continue to be available in ADMAS. *Id.*

On January 27, 2010, the Board held a case management conference where the Board asked the Staff a number of questions including whether all documents in the Staff’s LSN collection that are also in ADAMS include the WM-11 docket number, whether documents marked with the WM-11 docket number have been designated permanent agency records, and whether the Staff would commit to putting the LSN accession number in the ADAMS bibliographic header. Tr. at 355-56 (Jan. 27, 2010). The Staff indicated that it would have to confirm its answers to these questions. *Id.* On April 21, 2010, the Board issued its Order posing questions for several parties, including the Staff. See Order at Appendix B. The Board’s April 21, 2010 Order asks questions similar to those posed to the Staff at the January 27, 2010 case management conference. *Compare id.* with Tr. at 355-56.

**DISCUSSION**

As directed by the Board, the Staff has separately responded to each question in Appendix B of the Order and numbered each answer to correspond to the question number. See Order at 2. The Staff answers are supported by the attached affidavits of Alicia J. Mullins, Ronald E. Deavers, Deborah Armentrout, and Margaret A. Janney. Attachment 1, Affidavit of Alicia J. Mullins in Response to Board Questions 1.1 and 1.2 in April 21, 2010 Order, dated May 24, 2010 (Mullins Affidavit); Attachment 2, Affidavit of Ronald E. Deavers in Response to Board Questions 1.3 and 2 in April 21, 2010 Order, dated May 24, 2010 (Deavers Affidavit);
Attachment 3, Affidavit of Deborah Armentrout in Response to Board Question 1.4 in April 21, 2010 Order, dated May 24, 2010 (Armentrout Affidavit); Attachment 4, Affidavit of Margaret A. Janney in Response to Board Question 1.5 in April 21, 2010 Order, dated May 21, 2010 (Janney Affidavit).

**Question 1.1:** Are all of the documents in the Staff’s LSN collection also in ADAMS?

**Answer:** Yes, all documents in the Staff’s LSN collection are also in ADAMS. Mullins Affidavit at 1, ¶3. In order for a document to be published to the LSN, the document must be an official agency record in ADAMS.¹

**Question 1.2:** Do all of the documents in the NRC Staff’s LSN document collection carry the WM-11 code that is the marker for LSN documents in ADAMS?

**Answer:** No, not all documents in the Staff’s LSN document collection carry the WM-11 docket number. Mullins Affidavit at 2, ¶4. Before DOE submitted its license application for a geologic repository at Yucca Mountain, Nevada, the Staff used the WM-11 docket number for documents related to the disposal of high-level waste; this number does not identify documents that are included in the Staff’s LSN collection. *Id.* After DOE submitted its license application, the Staff transitioned from the WM-11 to the 06300001 docket number, which is the docket number for the DOE license application. *See id.* However, during the transition, some documents were inadvertently published with both docket numbers. *Id.* Out of over 33,000

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documents in the Staff’s LSN collection, approximately 200 documents include both docket numbers. Id.

**Question 1.3:** If not, will the Staff commit to marking with the WM-11 code, within a reasonable period of time, any documents in its LSN document collection that are not so marked?

**Answer:** The Staff believes it is not necessary to include the WM-11 identifier for items in the Staff’s LSN collection that do not have that header. Deavers Affidavit at 1, ¶3. All source documents that comprise the Staff’s LSN collection are stored in the ADAMS main library and have the dedicated bibliographic header field “HLW-LSN Status.” Id. This field indicates that the document is in the Staff’s LSN collection. Id. at 1-2, ¶3. In order to add the WM-11 identifier to documents that do not have this field, the Staff would need to manually manipulate each document, which is resource intensive and creates risk to the integrity of ADAMS records due to the potential for human error. Id. at 2, ¶3.

In the event a decision is made to decommission the LSN, the Staff could extract the LSN accession numbers for all NRC documents directly from the LSN. Id. The Staff could then generate an electronic list of all documents in the NRC LSN collection with their corresponding LSN accession number, ADAMS accession number, and title. Id. This list will allow NRC LSN documents to be located in the ADAMS main library using the cross-referenced ADAMS and LSN accession numbers. Id. This process will require significantly less resources than including the WM-11 identifier on documents in ADAMS and it will not risk the data integrity of ADAMS records. Id.

**Question 1.4:** Are the documents in ADAMS that are in the Staff’s LSN document collection and marked with the WM-11 code designated as permanent agency records?

**Answer:** As discussed in more detail below in response to Question 1.5, an approved disposition for records associated with a withdrawn or cancelled High-Level Waste Disposal
application does not currently exist. See Armentrout Affidavit at 1, ¶4. It would be necessary to prepare and submit for approval an SF-115 for this records series, which would include the documents in ADAMS that are in the Staff’s LSN document collection. See id. Therefore, these documents are not currently designated as permanent Federal records and are considered unscheduled records. Id. NARA regulations define unscheduled records as “Federal records whose final disposition has not been approved by NARA on a SF 115, Request for Records Disposition Authority. Such records must be treated as permanent until a final disposition is approved.” Id. (quoting 36 C.F.R. § 1220.18).

Question 1.5: If not, does the Staff currently plan to seek to have such documents designated permanent agency records?

Answer: “Permanent record” is defined as “any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States, even while it remains in agency custody. Permanent records are those for which the disposition is permanent on SF-115, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973. The term also includes all records accessioned by NARA into the National Archives of the United States.” 36 C.F.R. § 1220.18.

The NRC does not have the authority to designate agency records as “permanent agency records.” Rather, the National Archives and Records Administration (NARA) is the agency responsible for authorizing the disposition of Federal Records as either “permanent” or “temporary” with destruction after a period of time, as defined in 36 C.F.R. § 1220.18. Janney Affidavit at 1, ¶4. The SF-115, Request for Records Disposition Authority, is used by the NRC Records and Archives Services Section (RASS) Staff to request authority to schedule agency records, including a proposed disposition for the records. Id. Before an NRC record can be designated as a permanent Federal record or before an unscheduled record can be disposed
of, the NRC must submit an SF-115 request and receive approval from NARA for disposition. *Id.*

An approved disposition exists for “Docket Files for the Disposal of High-Level Radioactive Wastes in Geologic Repositories” as permanent records in the “NRC Comprehensive Records Disposition Schedule,” NUREG-0910, Revision 4, dated March 2005, Part 17, Item 4. Janney Affidavit at 2, ¶5. An approved disposition for records associated with a withdrawn or cancelled High-Level Waste Disposal application does not currently exist. *Id.* at 2, ¶6. Accordingly, the Staff does not have an approved disposition schedule to follow for documents in the Staff’s LSN collection in the event DOE’s license application for a proposed geologic repository at Yucca Mountain, Nevada is withdrawn. *Id.* at 2, ¶6. It would be necessary to prepare and submit for approval an SF-115 for this records series, which would include the documents in ADAMS that are in the Staff’s LSN document collection, before they can be designated as permanent or scheduled for disposition. *Id.* The Staff is currently considering its options for making such a request. *Id.*

**Question 2:** Although it is not required by the agency’s record system, will the Staff commit to placing the LSN accession number somewhere in the ADAMS bibliographic header for the documents in its LSN collection?

**Answer:** The Staff believes it is not necessary to include the LSN accession number in the ADAMS bibliographic header of documents in its LSN document collection. Deavers Affidavit at 2, ¶4. As discussed above in response to Question 1.3, all source documents that comprise the Staff’s LSN collection are also stored in the ADAMS main library and have the dedicated bibliographic header field “HLW-LSN Status.” *Id.* This field indicates whether the document is in the Staff’s LSN collection. *Id.* The LSN accession number is not captured in the ADAMS bibliographic header because the LSN accession number is not generated until a document is added to the LSN. *Id.* The LSN accession number is stored in the internet web
server which the NRC separately established and maintains for its LSN collection. *Id.* The NRC’s web server is located outside the NRC firewall and is publicly accessible via the LSN interface. *Id.* In order to place the LSN accession number somewhere in the ADAMS bibliographic header, each document will have to be manually manipulated, which is resource intensive and creates risk to the integrity of ADAMS records due to the potential for human error. *Id.*

In the event a decision is made to decommission the LSN, the Staff could extract the LSN accession numbers for all NRC documents directly from the LSN and generate an electronic list of all documents in the NRC LSN collection and their corresponding LSN accession number, ADAMS accession number, and title. Deavers Affidavit at 3, ¶4. This list will allow NRC LSN documents to be located in the ADAMS main library using the cross-referenced ADAMS and LSN accession numbers and will require significantly less resources than adding the LSN accession number in the bibliographic header manually. *Id.*
In addition, it will avoid the risk to data integrity from manually manipulating the bibliographic header. Id.

Respectfully submitted,

/Signed (electronically) by/

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/Executed in accord with 10 C.F.R. § 2.304(d)/

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Dated at Rockville, Maryland
this 24th day of May, 2010
I, Alicia J. Mullins, do hereby state as follows:

1. I am employed as a project manager, Project Management Branch B, Licensing and Inspection Directorate, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards. As part of my duties, I am responsible for the administration of the NRC staff (Staff) Licensing Support Network (LSN) supplementation and certification activities. My official title is the Licensing Support Network Project Manager.

2. The purpose of this affidavit is to respond to Questions 1.1 and 1.2 in Appendix B of the Board’s April 21, 2010 Order. Order (Questions for Several Parties and LSNA), dated April 21, 2010 (unpublished). I have made a reasonable investigation in good faith and, to the best of my knowledge, information, and belief, the statements made herein are true.

3. In question 1.1, the Board asked, “Are all of the documents in the Staff’s LSN collection also in ADAMS?” Yes, all documents in the Staff’s LSN collection are also in ADAMS. In order for a document to be published to the LSN, the document must be an official agency record in ADAMS.
4. In question 1.2, the Board asked, “Do all documents in the NRC Staff’s LSN document collection carry the WM-11 code that is the marker for LSN documents in ADAMS?” Not all of the documents in the Staff’s LSN document collection carry the WM-11 docket number. Before DOE submitted its license application for a geologic repository at Yucca Mountain, Nevada, the Staff used the WM-11 docket number for documents related to the disposal of high-level waste; this number does not identify documents that are included in the Staff’s LSN collection. After DOE submitted its license application, the Staff transitioned from the WM-11 docket number to the 06300001 docket number, the docket for the DOE license application. However, during the transition, some documents were inadvertently published with both docket numbers. Out of over 33,000 documents in the Staff’s LSN collection, approximately 200 documents include both docket numbers.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

/RA/

Alicia J. Mullins
Licensing Support Network Project Manager
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission

Executed in Frederick, Maryland
this 24th day of May, 2010
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

U.S. DEPARTMENT OF ENERGY ) Docket No. 63-001-HLW
)

(High-Level Waste Repository) ) ASLBP No. 09-892-HLW-CAB04 
)

AFFIDAVIT OF RONALD E. DEAVERS IN RESPONSE TO 
BOARD QUESTIONS 1.3 AND 2 IN APRIL 21, 2010 ORDER

I, Ronald E. Deavers, do hereby state as follows:

1. I am employed as a project manager, Business Process and Project Management Branch, Business Process Improvement and Applications Division, Office of Information Services. As part of my duties, I am responsible for providing information technology support to assist in maintaining the NRC staff (Staff) Licensing Support Network (LSN) document collection.

2. The purpose of this affidavit is to respond to Questions 1.3 and 2 in Appendix B of the Board’s April 21, 2010 Order. Order (Questions for Several Parties and LSNA), dated April 21, 2010 (unpublished). I have made a reasonable investigation in good faith and, to the best of my knowledge, information, and belief, the statements made herein are true.

3. Board Question 1.3 states, if all documents in the NRC Staff’s LSN document collection do not carry the WM-11 code, "will the Staff commit to marking with the WM-11 code, within a reasonable period of time, any documents in its LSN document collection that are not so marked?"

The Staff believes it is not necessary to include the WM-11 identifier for items in the Staff’s LSN collection that do not have that header. All source documents that comprise the Staff’s LSN collection are stored in the ADAMS main library and have the dedicated bibliographic header field “HLW-LSN Status.” This field indicates whether the document is in the Staff’s LSN
collection. In order to add the WM-11 identifier to documents that do not have this field, the Staff would need to manually manipulate each document, which is resource intensive and creates risk to the integrity of ADAMS records due to the potential for human error.

In the event a decision is made to decommission the LSN, the Staff could extract the LSN accession numbers for all NRC documents directly from the LSN. The Staff could then generate an electronic list of all NRC documents in the LSN with their corresponding LSN accession number, ADAMS accession number, and title. This list will allow NRC LSN documents to be located in the ADAMS main library using the cross-referenced ADAMS and LSN accession numbers. This process will require significantly less resources than including the WM-11 identifier on documents in ADAMS and it will not risk the data integrity of ADAMS records.

4. Board Question 2 states, “Although it is not required by the agency’s record system, will the Staff commit to placing the LSN accession number somewhere in the ADAMS bibliographic header for the documents in its LSN collection?”

The Staff believes it is not necessary to include the LSN accession number in the ADAMS bibliographic header of documents in its LSN document collection. As discussed above in response to Question 1.3, all source documents that comprise the Staff’s LSN collection are also stored in the ADAMS main library and have the dedicated bibliographic header field “HLW-LSN Status.” This field indicates whether the document is in the Staff’s LSN collection. The LSN accession number is not captured in the ADAMS bibliographic header because the LSN accession number is not generated until a document is added to the LSN. The LSN accession number is stored in the internet web server which the NRC separately established and maintains for its LSN collection. The NRC’s web server is located outside the NRC firewall and is publicly accessible via the LSN interface. In order to place the LSN accession number somewhere in the ADAMS bibliographic header, each document will have to be manually manipulated, which is resource intensive and creates risk to the integrity of ADAMS records due to the potential for human error.
In the event a decision is made to decommission the LSN, the Staff could extract the LSN accession numbers for all NRC documents directly from the LSN and generate an electronic list of all documents in the NRC LSN collection and their corresponding LSN accession number, ADAMS accession number, and title. This list will allow NRC LSN documents to be located in the ADAMS main library using the cross-referenced ADAMS and LSN accession numbers and will require significantly less resources than adding the LSN accession number in the bibliographic header manually. In addition, it will avoid the risk to data integrity from manually manipulating the bibliographic header.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

/RA/

Ronald E. Deavers
Project Manager
Business Process and Project Management Branch
Business Process Improvement and Applications Division
Office of Information Services
U.S. Nuclear Regulatory Commission

Executed in Rockville, Maryland
this 24th day of May, 2010
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )
U.S. DEPARTMENT OF ENERGY ) Docket No. 63-001-HLW
(High-Level Waste Repository) ) ASLBP No. 09-892-HLW-CAB04

AFFIDAVIT OF DEBORAH ARMENTROUT
IN RESPONSE TO BOARD QUESTION 1.4 IN APRIL 21, 2010 ORDER

I, Deborah Armentrout, do hereby state as follows:

1. I am employed as the Records Officer for the Nuclear Regulatory Commission and the Chief of the Records and Archives Services Section in the Information and Records Services Division in the Office of Information Services. My official duties are described in Management Directive 3.53, *NRC Records and Document Management Program*, Vol. 3 Part 2, pages 5-6 (March 15, 2007). These duties include, among other things, the responsibility to identify, develop and periodically review record keeping requirements for records of all agency activities.

2. The purpose of this affidavit is to respond to Question 1.4 in Appendix B of the Board’s April 21, 2010 Order. Order (Questions for Several Parties and LSNA), dated April 21, 2010 (unpublished). I have made a reasonable investigation in good faith and, to the best of my knowledge, information, and belief, the statements made herein are true.

3. Question 1.4 states: “Are the documents in ADAMS that are in the Staff’s LSN document collection and marked with the WM-11 code designated as permanent agency records?”

4. An approved disposition for records associated with a withdrawn or cancelled High-Level Waste Disposal application does not currently exist. It would be necessary to
prepare and submit for approval an SF-115 for this records series, which would include the documents in ADAMS that are in the Staff’s LSN document collection. Therefore, these documents are not currently designated as permanent Federal records and are considered unscheduled records. NARA regulations define unscheduled records as “Federal records whose final disposition has not been approved by NARA on a SF 115, Request for Records Disposition Authority. Such records must be treated as permanent until a final disposition is approved.” 36 C.F.R. § 1220.18.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

/RA/

______________________
Deborah Armentrout
Records Officer, Nuclear Regulatory Commission
Chief, Records and Archives Services Section
Information and Records Services Division
Office of Information Services

Executed in Rockville, Maryland
this 24th day of May, 2010
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )
) Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY )
) ASLBP No. 09-892-HLW-CAB04
(High-Level Waste Repository) )
)

AFFIDAVIT OF MARGARET A. JANNEY
IN RESPONSE TO BOARD QUESTION 1.5 IN APRIL 21, 2010 ORDER

I, Margaret A. Janney, do hereby state as follows:

1. I am employed as the Deputy Director in the Information and Records Services Division in the Office of Information Services. As part of my official duties, I am responsible for oversight of the records management program at the NRC, including the maintenance and disposition of Federal records in accordance with Title 36 of the Code of Federal Regulations.

2. The purpose of this affidavit is to respond to Question 1.5 in Appendix B of the Board’s April 21, 2010 Order. Order (Questions for Several Parties and LSNA) dated April 21, 2010 (unpublished). I have made a reasonable investigation in good faith and, to the best of my knowledge, information, and belief, the statements made herein are true.

3. Question 1.5 states: If documents in ADAMS that are in the Staff’s LSN document collection and marked with the WM-11 identifier are not designated as permanent agency records, “does the Staff currently plan to seek to have such documents designated permanent agency records?”

4. The National Archives and Records Administration (NARA) is the agency responsible for authorizing the disposition of Federal Records as either “permanent” or “temporary” with destruction after a period of time, as defined in 36 C.F.R. § 1220.18. The
SF-115, Request for Records Disposition Authority, is used by the NRC Records and Archives Services Section (RASS) staff to request authority to schedule agency records, including a proposed disposition for the records. Before an NRC record can be designated as a permanent Federal record or before an unscheduled record can be disposed of, the NRC must submit an SF-115 request and receive approval from NARA for disposition.


6. An approved disposition for records associated with a withdrawn or cancelled High-Level Waste Disposal application does not currently exist. It will be necessary to prepare and submit for approval an SF-115 for this records series, which will include the documents in ADAMS that are in the Staff’s LSN document collection, before they can be designated as permanent or scheduled for disposition. The Staff is currently considering its options for making such a request.

7. Pursuant to 28 U.S.C. § 1746, I declare under penalties of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

/RA/

Margaret A. Janney, Deputy Director
Information and Records Services Division
Office of Information Services
U.S. Nuclear Regulatory Commission

Executed in Rockville, Maryland
this 21st day of May, 2010
CERTIFICATE OF SERVICE

I hereby certify that copies of the “NRC STAFF ANSWERS TO BOARD’S QUESTIONS REGARDING THE STAFF’S LSN COLLECTION” in the above-captioned proceeding have been served on the following persons this 24th day of May, 2010, by Electronic Information Exchange.

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