



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 4, 2004

SECRETARY

Martin G. Malsch, Esq.
Egan, Fitzpatrick, Malsch and Cynkar, PLLC
7918 Jones Branch Drive
Suite 600
McLean, VA 22102

Re: Appointment of a Pre-License Application Presiding Officer

Dear Mr. Malsch:

This is in response to your letter, dated June 2, 2004, requesting that the Commission immediately appoint a pre-license application presiding officer to resolve potential disputes concerning the electronic availability of documents regarding the high-level waste geologic repository at Yucca Mountain, Nevada. Please be assured that the Commission will make such an appointment pursuant to 10 C.F.R. Section 2.1010 of the Commission's regulations at the appropriate time.

Sincerely,

A handwritten signature in black ink, which appears to read "Annette Vietti-Cook", is written over a horizontal line.

Annette Vietti-Cook
Secretary of the Commission