

privilege disputes. The joint proposed format for the privilege logs shall cover all categories of privilege or protected status claims available under Subpart J and relevant to this proceeding. *See* II.A.(1)–(5) above. For each category of claimed privilege (e.g., attorney-client communication, deliberative, Privacy Act), the joint proposed format for that particular privilege log should specify and define the sub-elements of information that must be provided in order to enable other parties to assess the applicability of the privilege or protection without revealing the privileged or protected information itself.¹²

The jointly agreed procedures associated with privilege claims and disputes shall be based upon the regulatory requirements and procedures of Subpart J and provide any suggested additional measures or procedures that will avoid, or expedite the resolution of, privilege disputes.¹³ For example, the procedure may call for additional conferences between the parties, or for a mechanism for the redaction of small amounts of “privileged information” from an otherwise unprivileged document, in lieu of the blanket exclusion of a document. To the maximum extent possible, the privilege logs and procedures should encourage the prompt resolution of privilege disputes by the parties themselves. The proposed procedures should distinguish between those privileges that are absolute, and those that are qualified. The proposed procedures shall maximize the effective use of the LSN.

Not later than 40 days after the publication of this order in the **Federal Register**, DOE, the NRC Staff, and the State shall submit a jointly-agreed proposed case management order to the Board that establishes a proposed format for a privilege log and specifies privilege claim related procedures for this proceeding. They shall allow any other Potential Participant the opportunity to negotiate, to endorse and/or to join in the joint submission. In addition, such other Potential Participants may

develop and submit their own joint or individual alternative proposed case management orders on the subject of privilege log formats and procedures.

If DOE, the NRC Staff, and the State are unable to agree upon a joint proposed case management order prescribing the format for a privilege log and associated procedures, then, 50 days after the publication of this order in the **Federal Register**, each of them, and any other Potential Participant shall submit separate proposed case management orders on this subject. In such case, 65 days after publication of this order in the **Federal Register**, each person or entity filing a proposed case management order shall file a supplement identifying and explaining the material differences between its proposed order and the other proposed orders.

It is so ordered.

January 24, 2005, Rockville, Maryland.

The Pre-license Application Presiding Officer Board.

Thomas S. Moore,

Chairman, Administrative Judge.

Alan S. Rosenthal,

Administrative Judge.

Alex S. Karlin,

Administrative Judge.

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OFFICE OF MANAGEMENT AND BUDGET

2004 List of Designated Federal Entities and Federal Entities

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: As required by the Inspector General Act of 1978, as amended (IG Act), this notice provides a list of Designated Federal Entities and Federal Entities.

FOR FURTHER INFORMATION CONTACT: Office of Federal Financial Management, Office of Management and Budget, at (202) 395–3993.

SUPPLEMENTARY INFORMATION: This notice provides a copy of the 2004 List of Designated Federal Entities and Federal Entities which, under the IG Act, the Office of Management and Budget (OMB) is required to publish annually. This list is also posted on the OMB Web site at <http://www.whitehouse.gov/omb.html>.

The list is divided into two groups: Designated Federal Entities and Federal Entities. Designated Federal Entities are listed in the IG Act, except for those

agencies that have ceased to exist or that have been deleted from the list. The Designated Federal Entities are required to establish and maintain Offices of Inspector General to: (1) Conduct and supervise audits and investigations relating to programs and operations; (2) promote economy, efficiency, and effectiveness of, and to prevent and detect fraud and abuse in such programs and operations; and (3) provide a means of keeping the entity head and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for, and progress of, corrective actions.

Federal Entities are defined, in section 8G(a)(1) of the Inspector General Act, as any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 103(2) of such title), or any other entity in the Executive Branch of the government, or any independent regulatory agency, but does not include:

- (1) An establishment (as defined in section 11(2) of the Inspector General Act) or part of an establishment;
- (2) A designated Federal entity (as defined in section 8G(a)(2) of the Inspector General Act) or part of a designated Federal entity;
- (3) The Executive Office of the President;

- (4) The Central Intelligence Agency;
- (5) The Government Accountability Office; or

- (6) Any entity in the judicial or legislative branches of the Government, including the Administrative Office of the United States Courts and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol.

Federal Entities are required to report annually to each House of the Congress and OMB on audit and investigative activities in their organizations.

For the Designated Federal Entities list for 2004, there is one addition (the Broadcasting Board of Governors succeeded the Board for International Broadcasting) and one amendment (the designated entity head of Amtrak was changed to the Chairperson who is the chief policymaking officer), for a total of two changes to the 2003 list. For the Federal Entities list for 2004, there are four additions (the Court Services and Offender Supervision Agency for the District of Columbia, the Millennium Challenge Corporation, the U.S. Interagency Council on Homelessness, and the White House Commission on the National Moment of Remembrance) and three deletions (the Commission on

¹² For example, DOE and its litigation support contractor, CACI Inc., are using computer software to screen documents for potential claims of privilege as well as teams of people reviewing and evaluating documents for privilege. *See* 60 NRC at 318. This software, and DOE's instructions to these individuals, presumably identify the elements of each category of privilege that DOE is claiming. The NRC, which made its documents available on the LSN on September 30, 2004, presumably developed similar criteria and went through a similar process in evaluating which documents qualified for a privilege.

¹³ Appointment of a discovery master, authorized under 10 CFR 2.1018(g), merely pushes the discovery disputes to another level and, therefore, would not appear to be a panacea.

Ocean Policy, the Office of Independent Counsels, and the Pacific Charter Commission), for a total of seven changes to the 2003 list.

The 2004 List of Designated Federal Entities and Federal Entities was prepared in consultation with the U.S. Government Accountability Office.

Linda M. Springer,

Controller, Office of Federal Financial Management.

Herein follows the text of the 2004 List of Designated Federal Entities and Federal Entities:

2004 List of Designated Federal Entities and Federal Entities

The Inspector General Act of 1978, as amended, requires OMB to publish a list of "Designated Federal Entities" and "Federal Entities" and the heads of such entities. Designated Federal Entities are required to establish Offices of Inspector General and to report semiannually to each House of the Congress and the Office of the Management and Budget summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Federal Entities are required to report annually on October 31 to each House of the Congress and the Office of Management and Budget on audit and investigative activities in their organizations.

Designated Federal Entities and Entity Heads

1. Amtrak—Chairperson.
2. Appalachian Regional Commission—Federal Co-Chairperson.
3. The Board of Governors, Federal Reserve System—Chairperson.
4. Broadcasting Board of Governors—Chairperson.
5. Commodity Futures Trading Commission—Chairperson.
6. Consumer Product Safety Commission—Chairperson.
7. Corporation for Public Broadcasting—Board of Directors.
8. Denali Commission—Chairperson.
9. Election Assistance Commission—Chairperson.
10. Equal Employment Opportunity Commission—Chairperson.
11. Farm Credit Administration—Chairperson.
12. Federal Communications Commission—Chairperson.
13. Federal Election Commission—Chairperson.
14. Federal Housing Finance Board—Chairperson.
15. Federal Labor Relations Authority—Chairperson.
16. Federal Maritime Commission—Chairperson.
17. Federal Trade Commission—Chairperson.
18. Legal Services Corporation—Board of Directors.

19. National Archives and Records Administration—Archivist of the United States.
20. National Credit Union Administration—Chairperson.
21. National Endowment for the Arts—Chairperson.
22. National Endowment for the Humanities—Chairperson.
23. National Labor Relations Board—Chairperson.
24. National Science Foundation—National Science Board.
25. Peace Corps—Director.
26. Pension Benefit Guaranty Corporation—Chairperson.
27. Securities and Exchange Commission—Chairperson.
27. Smithsonian Institution—Secretary.
28. United States International Trade Commission—Chairperson.
29. United States Postal Service—Governors of the Postal Service.

Federal Entities and Entity Heads

1. Advisory Council on Historic Preservation—Chairperson.
2. African Development Foundation—Chairperson.
3. American Battle Monuments Commission—Chairperson.
4. Architectural and Transportation Barriers Compliance Board—Chairperson.
5. Armed Forces Retirement Home—Board of Directors.
6. Barry Goldwater Scholarship and Excellence in Education Foundation—Chairperson.
7. Chemical Safety and Hazard Investigation Board—Chairperson.
8. Christopher Columbus Fellowship Foundation—Chairperson.
9. Commission for the Preservation of America's Heritage Abroad—Chairperson.
10. Commission of Fine Arts—Chairperson.
11. Commission on Civil Rights—Chairperson.
12. Committee for Purchase From People Who Are Blind or Severely Disabled—Chairperson.
13. Court of Appeals for Veterans Claims—Chief Judge.
14. Court Services and Offender Supervision Agency for DC—Director.
15. Defense Nuclear Facilities Safety Board—Chairperson.
16. Delta Regional Authority—Federal Co-Chairperson.
17. Farm Credit System Financial Assistance Corporation—Chairperson.
18. Farm Credit System Insurance Corporation—Chairperson.
19. Federal Financial Institutions Examination Council—Chairperson.
20. Federal Mediation and Conciliation Service—Director.
21. Federal Mine Safety and Health Review Commission—Chairperson.
22. Federal Retirement Thrift Investment Board—Executive Director.
23. Harry S. Truman Scholarship Foundation—Chairperson.
24. Institute of American Indian and Alaska Native Culture and Arts Development—Chairperson.
25. Institute of Museum and Library Services—Director.

26. Inter-American Foundation—Chairperson.
27. James Madison Memorial Fellowship Foundation—Chairperson.
28. Japan-U.S. Friendship Commission—Chairperson.
29. Marine Mammal Commission—Chairperson.
30. Merit Systems Protection Board—Chairperson.
31. Millennium Challenge Corporation—Chief Executive Officer.
32. Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation—Chairperson.
33. National Capital Planning Commission—Chairperson.
34. National Commission on Libraries and Information Science—Chairperson.
35. National Council on Disability—Chairperson.
36. National Mediation Board—Chairperson.
37. National Transportation Safety Board—Chairperson.
38. National Veterans Business Development Corporation—Chairperson.
39. Neighborhood Reinvestment Corporation—Chairperson.
40. Nuclear Waste Technical Review Board—Chairperson.
41. Occupational Safety and Health Review Commission—Chairperson.
42. Office of Government Ethics—Director.
43. Office of Navajo and Hopi Indian Relocation—Chairperson.
44. Office of Special Counsel—Special Counsel.
45. Overseas Private Investment Corporation—Board of Directors.
46. Presidio Trust—Chairperson.
47. Selective Service System—Director.
48. Smithsonian Institution/John F. Kennedy Center for the Performing Arts—Chairperson.
49. Smithsonian Institution/National Gallery of Art—President.
50. Smithsonian Institution/Woodrow Wilson International Center for Scholars—Director.
51. Trade and Development Agency—Director.
52. U.S. Holocaust Memorial Museum—Chairperson.
53. U.S. Interagency Council on Homelessness—Chairperson.
54. U.S. Institute of Peace—Chairperson.
55. Vietnam Educational Foundation—Chairperson.
56. White House Commission on the National Moment of Remembrance—Chairperson.

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