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TO: David Coupe, Staff Counsel
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FROM: 
Steven H. Blum
Senior Staff Counsel
OFFICE OF CHIEF COUNSEL

DATE: May 21, 2007

SUBJECT: OBJECTION TO CONSIDERATION AND INCLUSION IN THE RECORD OF
DR. NEBEKER'S MAY 17, 2007 LETTER

The prosecution team hereby objects to inclusion of Dr. Nebeker's May 15, 2007 letter into the administrative record. The public comment period ended on April 13, 2007 and this letter was received after May 15, 2007. This is decidedly outside of the public comment period. In addition, Dr. Nebeker's most recent comments arrived shortly before the May 23 Board meeting, and the prosecution staff will not have time to address Dr. Nebeker's additional comments.

The letter upon which Dr. Nebeker based his most recent comments was sent by the Advisory Team and was addressed to the Parties to the settlement. The Parties have responded to the Advisory Team. Dr. Nebeker already submitted extensive comments in his letter of April 13, 2007, to which the Prosecution Team has also responded.

In light of the foregoing, the Prosecution Team objects to including Dr. Nebeker's May 17 letter in the record of this decision.

cc: Harold Singer, Executive Officer
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