

November 10, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

|                               |   |                          |
|-------------------------------|---|--------------------------|
| In the Matter of              | ) | Docket No. PAPO-00       |
|                               | ) |                          |
| U.S. DEPARTMENT OF ENERGY     | ) | ASLBP No. 04-829-01-PAPO |
|                               | ) |                          |
| (High-Level Waste Repository: | ) |                          |
| Pre-Application Matters)      | ) |                          |

JOINT MOTION FOR MODIFICATION OF SCHEDULE

The NRC Staff, the Department of Energy and the State of Nevada jointly move for a brief extension of the dates associated with the development of the proposed Third Case Management Order. See Order (Schedule for Filings), dated October 25, 2005 (unpublished) ("October 25 Order").

Subsequent to the October 19, 2005 teleconference outlining the filing schedule, counsel for the parties exchanged an advanced draft of a Third Case Management Order and have had several joint discussions regarding the draft. While substantial progress and agreement has been made regarding the draft, additional time is needed to finalize the document because of the breadth and complexity of the issues.

Accordingly, the parties jointly request that the schedule in the October 25 Order be modified as follows:

- November 22, 2005: The NRC Staff, the State of Nevada, and the Department of Energy make available a proposed draft Third Case Management Order and related protective order(s) and affidavit(s) on their respective public websites and provide notice via the Electronic Information Exchange that the drafts are publicly available for comment and provide details concerning how a potential party may join the telephone conference call addressing comments and drafts scheduled for the week of December 12, 2005.

- December 7, 2005: Comment period on the proposed draft ends.
- Week of December 12, 2005: Public conference call among interested potential parties addressing comments and drafts.
- December 19, 2005: Submittal to the PAPO Board of a proposed Third Case Management Order and related protective order(s) and affidavit(s) and any separate comments or alternative proposed case management orders and related protective orders and affidavits.

Counsel for the Department of Energy and the State of Nevada have authorized the undersigned counsel for the NRC Staff to sign on their behalf. Inasmuch as this is a joint motion, the certification required by 10 C.F.R. § 2.323 need not be provided. Further, this extension will cause no prejudice to any party or potential participant.

In light of the foregoing, the parties submit that good cause exists to grant the instant motion.

Respectfully submitted,

**/RA/**

---

Harry E. Wedewer  
Counsel for the NRC Staff

**/RA/**

---

Edward P. Noonan  
Counsel for the Department of Energy

**/RA/**

---

Martin G. Malsch  
Counsel for the State of Nevada

Dated at Rockville, Maryland  
this 10<sup>th</sup> day of November 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

|                               |   |                          |
|-------------------------------|---|--------------------------|
| In the Matter of              | ) | Docket No. PAPO-00       |
|                               | ) |                          |
| U.S. DEPARTMENT OF ENERGY     | ) | ASLBP No. 04-829-01-PAPO |
|                               | ) |                          |
| (High-Level Waste Repository: | ) |                          |
| Pre-Application Matters)      | ) |                          |

CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT MOTION FOR MODIFICATION OF SCHEDULE" in the above captioned proceeding have been served on the following persons this 10th day of November, 2005 by Electronic Information Exchange.

Thomas S. Moore, Chair  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)

Alex S. Karlin  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)

Alan S. Rosenthal  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)  
[rsnthl@comcast.net](mailto:rsnthl@comcast.net)

G. Paul Bollwerk, III  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)  
[gpb@nrc.gov](mailto:gpb@nrc.gov)

Office of the Secretary  
ATTN: Rulemakings and Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
Washington, D.C. 20555  
E-mail: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)

Donald P. Irwin, Esq.  
Kelly L. Faglioni, Esq.  
Edward P. Noonan, Esq.  
W. Jeffery Edwards, Esq.  
Michael R. Shebelskie, Esq.  
Melissa Grier  
Stephanie Meharg  
Audrey B. Rusteau  
Belinda A. Wright  
Christopher A. Updike  
Hunton & Williams, LLP  
951 East Byrd Street  
Richmond, VA 23219  
E-mail: [dirwin@hunton.com](mailto:dirwin@hunton.com)  
[kfaglioni@hunton.com](mailto:kfaglioni@hunton.com)  
[enoonan@hunton.com](mailto:enoonan@hunton.com)  
[arusteau@hunton.com](mailto:arusteau@hunton.com)  
[jedwards@hunton.com](mailto:jedwards@hunton.com)  
[mgrier@hunton.com](mailto:mgrier@hunton.com)  
[smeharg@hunton.com](mailto:smeharg@hunton.com)  
[bwright@hunton.com](mailto:bwright@hunton.com)  
[cupdike@hunton.com](mailto:cupdike@hunton.com)  
[mshebelskie@hunton.com](mailto:mshebelskie@hunton.com)

Michael A. Bauser, Esq.  
Associate General Counsel  
Ellen C. Ginsberg, Esq.  
Nuclear Energy Institute  
1776 I Street, NW, Suite 400  
Washington, D.C. 20006-3708  
E-mail: [mab@nei.org](mailto:mab@nei.org)  
[ecg@nei.org](mailto:ecg@nei.org)

Thomas R. Combs  
U.S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Mail Stop: O-17 A3  
Washington, D.C. 20555  
E-mail: [trc@nrc.gov](mailto:trc@nrc.gov)

Jason Pitts  
White Pine County  
City of Caliente  
Lincoln County  
E-mail: [idt@idservices.com](mailto:idt@idservices.com)

Atomic Safety and Licensing Board Panel  
(ASLBP) HLW Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail:  
[ASLBP\\_HLW\\_Adjudication@nrc.gov](mailto:ASLBP_HLW_Adjudication@nrc.gov)

Michele Boyd  
Legislative Representative  
Critical Mass Energy and Environment  
Public Citizen  
215 Pennsylvania Ave., SE  
Washington, D.C. 20003  
E-mail: [mboyd@citizen.org](mailto:mboyd@citizen.org)

Joseph R. Egan, Esq.  
Martin G. Malsch, Esq.  
Charles J. Fitzpatrick, Esq.  
Robert J. Cynkar, Esq.  
Jack Kewley  
Susan Montesi  
Nakita Toliver  
Egan, Fitzpatrick, Malsch & Cynkar, PLLC  
8300 Boone Blvd., Suite 340  
Vienna, VA 22182  
E-mail: [eganpc@aol.com](mailto:eganpc@aol.com)  
[mmalsch@nuclearlawyer.com](mailto:mmalsch@nuclearlawyer.com)  
[rcynkar@nuclearlawyer.com](mailto:rcynkar@nuclearlawyer.com)  
[cfitzpatrick@nuclearlawyer.com](mailto:cfitzpatrick@nuclearlawyer.com)  
[jkewley@nuclearlawyer.com](mailto:jkewley@nuclearlawyer.com)  
[smontesi@nuclearlawyer.com](mailto:smontesi@nuclearlawyer.com)  
[ntoliver@nuclearlawyer.com](mailto:ntoliver@nuclearlawyer.com)

Bethany L. Engel  
James M. Cutchin  
Jonathan Rund  
Susan Stevenson-Popp  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)

Andrew L. Bates  
Adria T. Byrdsong  
Rebecca L. Giitter  
Emile L. Julian, Esq.  
Evangeline S. Ngbea  
Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
Washington, D.C. 20555  
E-mail: [alb@nrc.gov](mailto:alb@nrc.gov)  
[atb1@nrc.gov](mailto:atb1@nrc.gov)  
[rlj@nrc.gov](mailto:rlj@nrc.gov)  
[elj@nrc.gov](mailto:elj@nrc.gov)  
[esn@nrc.gov](mailto:esn@nrc.gov)

Martha S. Crosland, Esq.  
Angela Kordyak, Esq.  
U.S. Department of Energy  
Office of the General Counsel  
1000 Independence Ave., SW  
Washington, D.C. 20585  
E-mail: [martha.crosland@hq.doe.gov](mailto:martha.crosland@hq.doe.gov)  
[angela.kordyak@hq.doe.gov](mailto:angela.kordyak@hq.doe.gov)

William Greene  
Public Information Officer  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, D.C. 20585

Anthony C. Eitreim, Esq.  
Chief Counsel  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)  
[ace1@nrc.gov](mailto:ace1@nrc.gov)

Daniel J. Graser  
Licensing and Support Network  
Administrator  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [djq2@nrc.gov](mailto:djq2@nrc.gov)

Robert Loux  
Steve Frishman, Tech. Policy Coordinator  
Nuclear Waste Project Office  
1761 East College Parkway, Suite 118  
Carson City, NV 89706  
E-mail: [bloux@nuc.state.nv.us](mailto:bloux@nuc.state.nv.us)  
[steve.frishman@gmail.com](mailto:steve.frishman@gmail.com)

Engelbrecht von Tiesenhausen  
Clark County Nuclear Waste Division  
500 S. Grand Central Parkway  
Las Vegas, NV 89155  
E-mail: [evt@co.clark.nv.us](mailto:evt@co.clark.nv.us)

Judy Treichel  
Executive Director  
Nevada Nuclear Waste Task Force  
Alamo Plaza, 4550 W. Oakley Blvd.,  
Suite 111  
Las Vegas, NV 89102  
E-mail: [judyntwf@aol.com](mailto:judyntwf@aol.com)

George W. Hellstrom, Esq.  
U.S. Department of Energy  
Office of the General Counsel  
1551 Hillshire Drive  
Las Vegas, NV 89134-6321  
E-mail: [george.hellstrom@ymp.gov](mailto:george.hellstrom@ymp.gov)

Deborah Teske  
Lander County Nuclear Waste Oversight  
Program  
315 Humboldt Street  
Battle Mountain, NV 89820  
E-mail: [dteske@landercounty.com](mailto:dteske@landercounty.com)

Patricia Larimore  
Talisman International, LLC  
1000 Potomac Street, NW, Suite 300  
Washington, D.C. 20007  
E-mail: [plarimore@talisman-intl.com](mailto:plarimore@talisman-intl.com)

Loreen Pitchford Consulting  
LSN Administrator for Lander, Mineral and  
Churchill Counties  
P.O. Box 33908  
Reno, NV 89533  
E-mail: [lpitchford@comcast.net](mailto:lpitchford@comcast.net)

Chris Howard  
GIS/LAN Administrator  
Inyo County  
163 May Street  
Bishop, CA 93514  
E-mail: [choward@inyowater.org](mailto:choward@inyowater.org)

Senator Harry Reid  
Attn: Sandra Schubert  
Room 528 Hart Senate Office Building  
United States Senate  
Washington, D.C. 20510-2803  
E-mail: [Sandra\\_Schuber@reid.senate.gov](mailto:Sandra_Schuber@reid.senate.gov)

Jeffrey Kriner  
Yucca Mountain Project, Licensing Group  
DOE/BSC  
E-mail: [jeffrey\\_kriner@ymp.gov](mailto:jeffrey_kriner@ymp.gov)

*/RA/*

---

Harry E. Wedewer  
Counsel for the NRC Staff