

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 04/05/2006

SERVED 04/05/2006

Before Administrative Judges:

Thomas S. Moore, Chairman
Alex S. Karlin
Alan S. Rosenthal

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:
Pre-Application Matters)

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO

April 5, 2006

ORDER

(Granting NRC Staff Motion to Reclaim Privileged Documents)

The unopposed March 30, 2006 motion of the NRC Staff to reclaim privileged documents is granted.

We wish to note, however, our doubt that the circumstances described in the Staff motion for reclaiming the fifteen privileged documents currently published as part of the Staff's Licensing Support Network (LSN) document collection meet the standards of a "timely motion," "appropriate circumstances," and a "showing of good faith inadvertence" set forth in Part II.H. of the July 8, 2005 Second Case Management Order. See, e.g., Tr. 218-19. Further, we note that the Staff's action of providing the fifteen redacted documents to the LSN Administrator (LSNA) within five business days appears to be excessive and should not be considered a suitable timetable within which to provide the LSNA redacted versions of deleted documents.

Nevertheless, we are granting the motion because it is unopposed and the matter has not been briefed by the interested parties.

It is so ORDERED.

For the Pre-License Application
Presiding Officer Board

/RA/

Thomas S. Moore, Chairman
Administrative Judge

Rockville, MD

April 5, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PAPO BOARD ORDER (GRANTING NRC STAFF MOTION TO RECLAIM PRIVILEGED DOCUMENTS) have been served upon the following persons either by Electronic Information Exchange or electronic mail(denoted by an asterisk (*)).

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[Original signed R. L. Giitter]

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Dated at Rockville, Maryland
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