

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD**

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

**ORDER**

On this day, came on to be heard Nevada's Motion for a Declaratory Ruling to Define and to Compel Compliance by DOE with 10 C.F.R. § 2.1003(a). The PAPO Board, having reviewed the pleadings and hearing the argument of counsel, orders and mandates as follows:

- 1) 10 C.F.R. § 2.1003(a) requires the Department of Energy to make electronically available on the LSN, at the time of its initial LSN certification, all Documentary Material which it knows or expects it will cite or rely on in the Yucca licensing proceeding;
- 2) The duties specified in 10 C.F.R. §§ 2.1009(b) and 2.1003(e) to "update" or "supplement," respectively, initial LSN certifications do not lessen or otherwise alter the requirement of 10 C.F.R. §2.1003(a) regarding the content of initial certifications.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Judge