

November 1, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of)	
)	Docket No. 50-219-LR
U. S. DEPARTMENT OF ENERGY)	
)	ASLBP No. 04-829-01-PAPO
(High-Level Waste Repository:)	
Pre-Application Matters))	NRC-07
)	

NRC STAFF MOTION FOR EXTENSION OF TIME TO
CERTIFY LICENSING SUPPORT NETWORK SUPPLEMENTATION

INTRODUCTION

The U.S. Nuclear Regulatory Commission staff ("Staff") hereby requests an extension of time to November 5, 2007, to certify supplementation of its Licensing Support Network ("LSN") collection. For the reasons set forth below, the requested extension should be granted.

DISCUSSION

The grounds for the Staff's motion for extension of time are as follows.

1. By Order, dated July 2005, as modified by orders dated February 9, 2006 and July 6, 2007,¹ the Pre-Application Presiding Officer (PAPO) Board required that after an LSN participant's initial certification of its LSN collection, and after the Department of Energy (DOE) certifies its LSN document collection, each LSN participant shall, on or before the first of each month, certify on a monthly basis that it has duly supplemented its LSN collection with any additional documentary material discovered or created after the time of its initial certification.

¹ See Second Case Management Order (Pre-License Application Phase Document Discovery and Dispute Resolution) (July 8, 2005), at 21-22; Order (Suspending Monthly Supplementation Requirement) (Feb. 9, 2006); Revised Second Case Management Order (Pre-License Application Phase Document Discovery and Dispute Resolution) (July 6, 2007), at 21.

The Staff last filed a certification of its supplementation of its LSN collection on February 1, 2006.

2. Because DOE certified its LSN collection on October 19, 2007, the next certification of LSN supplementation is due on November 1, 2007.

3. Today, the undersigned Staff counsel has been advised that due to Network connectivity problems at NRC Headquarters, including problems affecting the Agencywide Document Access Management System ("ADAMS"), which is used to make Staff documentary material available, the Staff has been unable to complete activities necessary to make supplemental documents available via the LSN. Mr. Cameron Woods, the individual responsible for technical processing of the Staff's LSN collection, has advised Staff counsel that efforts are ongoing to complete the loading and validation process so that the collection can be spidered by the LSN crawler. Assuming that there are no additional problems, it is estimated that the process, including LSN spidering, can be completed by tomorrow or Monday, November 5, 2007, at the latest.

4. The instant request for an extension is being promptly made when difficulties associated with Staff LSN activities were brought to the attention of Staff counsel. The brief extension requested will not prejudice the other participants in this proceeding.

5. Pursuant to 10 C.F.R. § 2.323(b), the undersigned Staff counsel contacted (1) counsel for the Department of Energy, the State of Nevada, the Timbisha Shoshone Tribe, Lincoln County, and the Nuclear Energy Institute, (2) the LSN Coordinator for Mineral County, Esmeralda County, Eureka County, Lander County, and Churchill County, Nevada, and (3) the representative for the Nevada Nuclear Waste Task Force. All of the foregoing individuals

informed Staff counsel that they do not object to this motion. The Staff was unable to reach counsel for Lander and Eureka County, Nevada.

CONCLUSION

For the reasons stated above, the Staff submits that good cause exists to grant the requested extension of time to certify supplementation of the Staff's LSN collection.

Respectfully submitted,

/RA/

Mitzi A. Young
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15 D-21
Washington, DC 20555-0001
(301) 415-1523
may@nrc.gov

Dated at Rockville, Maryland
this 1st day of November, 2007

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))	NRC-07
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF MOTION FOR EXTENSION OF TIME TO CERTIFY LICENSING SUPPORT NETWORK SUPPLEMENTATION" in the above-captioned proceeding have been served on the following persons this 1st day of November, 2007, by Electronic Information Exchange.

Thomas S. Moore, Chair
Administrative Judge
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Mail Stop: T-3F23
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

G. Paul Bollwerk, III
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Alan S. Rosenthal
Administrative Judge
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Mail Stop: T-3F23
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov
rsnthl@comcast.net

E. Roy Hawkens
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ERH@nrc.gov

Alex S. Karlin
Administrative Judge
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Mail Stop: T-3F23
Washington, DC 20555-0001
E-mail: PAPO@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: 0-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: HEARINGDOCKET@nrc.gov

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

Edward P. Noonan, Esq.
W. Jeffrey Edwards, Esq.
Kelly L. Faglioni, Esq.
Melissa Grier, Esq.
Donald P. Irwin, Esq.
Stephanie Meharg, Esq.
Michael R. Shelbelskie, Esq.
Audrey B. Rusteau
Belinda A. Wright
Pat Slayton
Hunton & Williams LLP
951 East Byrd Street
Richmond, VA 23219

E-mail: dirwin@hunton.com
kfaglioni@hunton.com
enoonan@hunton.com
arusteau@hunton.com
jedwards@hunton.com
mgrier@hunton.com
smeharg@hunton.com
bwright@hunton.com
mshebelskie@hunton.com
pslayton@hunton.com

Michael A. Bauser, Esq.
Associate General Counsel
Anne W. Cottingham, Esq.
Ellen C. Ginsberg, Esq.
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
E-mail: mab@nei.org
ecg@nei.org
awc@nei.org

Timothy C. Gunter, Director
Susan L. Rives, sq.
US Department of Energy
Office of Civilian Radioactive Waste
Management
Office of Repository Development
1551 Hillshire Drive
Las Vegas, NV 89134-6321
E-mail: timothy_gunter@ymp.gov
Susan_rives@ymp.gov

Jason Pitts
White Pine County
City of Caliente
Lincoln County
E-mail: idt@idtservices.com

Atomic Safety and Licensing Board Panel
ASLB HLW Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, DC 20555-0001
(E-mail: ASLB_HLW_Adjudication@nr.gov)

Joseph R. Egan, Esq.
Martin G. Malsch, Esq.
Susan Montesi
Egan, Fitzpatrick, Malsch & Cynkar, PLLC
The American Center at Tysons Corner
2001 K Street, NW, Suite 400
Washington, DC 20006
E-mail: eganpc@aol.com
mmalsch@nuclearlawyer.com
smontesi@nuclearlawyer.com

Charles J. Fitzpatrick, Esq.
Egan, Fitzpatrick & Malsch, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
Email: cfitzpatrick@nuclearlawyer.com

Margaret Parish
Debra Wolf
James M. Cutchin
Jered Lindsay
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

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

Martha S. Crosland, Esq.
Angela M. Kordyak, Esq.
U.S. Department of Energy
Office of the General Counsel
1000 Independence Avenue, S.W.
Washington, DC 20585
E-mail: martha.crosland@hq.doe.gov
angela.kordyak@hq.doe.gov

William Greene
Public Information Officer
US Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
E-mail: William.greene@hq.doe.gov

Anthony C. Eitrem, 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

Kevin Kamps
Nuclear Information and Resource Service
6930 Carroll Avenue, Suite 340
Takoma Park, Maryland 20910
E-mail: Kevin@beyondnuclear.org

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

Jeffrey Kriner
Yucca Mountain Project, Licensing Group,
DOE/BSC
Regulatory Programs
1180 North Town Center Drive
Las Vegas, NV 89144
E-mail: jeffrey.kriner@ymp.gov

Judy Treichel, Executive Director
Nevada Nuclear Waste Task Force
P.O. Box 26177
Las Vegas, NV 89126
E-mail: judynwtf@aol.com

George W. Hellstrom, Esq.
Matthew C. Urie
U.S. Department of Energy
Office of the General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321
E-mail: george.hellstrom@ymp.gov
matt.urie@ymp.gov

Loren Pitchford, LNS Administrator
for Lander, Churchill and Mineral County
3888 Snow Valley Drive
Reno, NV 89506
E-mail: qb4@charter.net

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
Steve.frishman@gmail.com

Diane Curran, Esq.
Eureka County and Lander County, Nevada
Harmon, Curran, Spielberg & Eisenberg,
LLP
1726 M. Street N.W., Suite 600
Washington, D.C. 20036
E-mail: dcurran@harmoncurran.com

Chris Howard, GIS/LAN Administrator
Inyo County (CA)
Yucca Mountain Nuclear Waste
Repository Assessment Office
163 May St
Bishop, CA 93514
E-mail: choward@inyowater.org

Debora Teske
Lander County Nuclear Waste Oversight
315 S. Humboldt
Battle Mountain, NV 89820
E-mail: dteske@landercounty.com

Joe Kennedy
E-mail: Chairperson@timbisha.org

Patricia Larimore
Talisman International, LLC
1000 Potomac St., NW
Suite 300
Washington, DC 20007
E-mail: plarimore@talisman-intl.com

Barry S. Neuman, Esq.
Carter Ledyard & Milburn, LLP
Counsel for Lincoln County
1401 Eye Street, NW
Suite 300
Washington, DC 20005
E-mail: neuman@clm.com

Margaret Plaster, Management Analyst
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
E-mail: mplaster@lasvegasnevada.gov

John M. Peebles, Esq.
Darcie L. Houck, Esq.
Fredericks & Peebles, LLP
1001 Second St.
Sacramento, CA 95814
E-mail: jpeebles@ndnlaw.com
dhouck@ndnlaw.com

Barbara Durham
Tribal Historic Preservation Officer
E-mail: Dvdurbarbara@netscape.com

/RA/

Mitzi A. Young
Counsel for the NRC Staff