

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:

E. Roy Hawkens, Presiding Officer

In the Matter of
U.S. DEPARTMENT OF ENERGY
(High Level Waste Repository)

Docket No. 63-001-HLW

January 15, 2009

ORDER

(Addressing Procedural Matters)

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.300 et seq., 2.1000 et seq., the Chief Administrative Judge issues this order to clarify and delineate procedures to be followed in the above captioned proceeding.

On June 3, 2008 the Department of Energy (DOE) filed an application seeking authorization to construct a geologic repository at Yucca Mountain in Nye County, Nevada. On October 22, 2008 the NRC published a Notice of Hearing and Opportunity To Petition for Leave To Intervene (Notice) with respect to this application (73 Fed. Reg. 63,029). Section VI of the Notice contains a revised hearing schedule with new milestones for actions through the First Prehearing Conference Order (73 Fed. Reg. 63,029, 63,032).

Pursuant to the Notice, the due date (60 days after the Notice) for petitions to intervene/requests for hearing with contentions was on December 22, 2008. Some timely petitions to intervene/requests for hearing with contentions were filed prior to the due date.

A single uniform filing date for answers and responses will simplify and facilitate this proceeding. Accordingly, the Chief Administrative Judge orders that all answers to petitions shall be deemed timely if filed on or before February 10, 2009 (50 days after the due date for petitions). All responses to such answers shall be deemed timely if filed on or before February 24, 2009 (14 days after the due date for answers).

The Chief Administrative Judge further orders that should DOE file, pursuant to 10 C.F.R. § 63.22(c), any updates and supplements to its June 3, 2008 application for a construction authorization for a high-level radioactive waste repository at Yucca Mountain, it shall make such updates and supplements available in the same manner in which it complied with the provisions of 10 C.F.R. § 63.22 in filing its June 3, 2008 application. Additionally, in filing any updates and supplements pursuant to 10 C.F.R. § 63.22(c), DOE shall maintain the section numbering sequences from the June 3, 2008 application to the maximum extent practicable. DOE shall clearly identify in all section heading labels the sections that have been revised, and shall mark the changed text with bar indicators.

Further, all answers filed in response to petitions containing contentions directed to DOE's June 3, 2008 application shall be addressed solely to the provisions of DOE's original June 3, 2008 application and not to any subsequent updates or supplements. Similarly, all replies must do the same.

After the duly established licensing boards issue any initial prehearing conference orders identifying the parties and admitted contentions, all parties may, notwithstanding the ten-day rule in 10 C.F.R. § 2.323(a), file any appropriate pleadings addressing relevant matters introduced by any updates and supplements to DOE's June 3, 2008 application.

To assist in providing efficient electronic access to pleadings via the Digital Data Management System (DDMS), all answers and replies shall adhere to the following standardized format for citing DOE's June 3, 2008 application:

[Title of Document] [Chapter] [Chapter #]

[Title of Document] [Section] [Section #]

[Title of Document] [Figure] [Figure #]

[Title of Document] [Table] [Table #]

[Title of Document] [Appendix] [Appendix #]

For example, when referring to a part of the DOE application such as the Safety Analysis Report (SAR), the citation format should read: SAR Chapter x at page(s) etc.; SAR Section x.x.x.x etc.; SAR Figure x-x etc.; SAR Table x-x etc.; SAR Appendix x etc.;

It is so ORDERED.

/RA/

E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

Rockville, Maryland
January 15, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing BOARD ORDER (Addressing Procedural Matters), dated January 15, 2009, have been served upon the following persons by Electronic Information Exchange.

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001
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Dated at Rockville, Maryland
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