

July 28, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket No. 63-001
	)	
U.S. DEPARTMENT OF ENERGY	)	ASLBP Nos. 09-876-HLW-CAB-01
	)	09-877-HLW-CAB-02
(High-Level Waste Repository)	)	09-878-HLW-CAB-03
	)	09-892-HLW-CAB-04
	)	

NRC STAFF ANSWER TO THE  
CAB'S JULY 21, 2009 ORDER CONCERNING SERIAL CASE MANAGEMENT

On July 21, 2009, Construction Authorization Board 04 ("the Board") issued an order concerning serial case management in the above-captioned proceeding. This Order requests additional information related to a July 2, 2009 Board order concerning scheduling and a subsequent response from the NRC staff ("Staff"). Specifically, the Board requests clarification from the Staff on the subject matter of each of the five volumes of the Safety Evaluation Report (SER). Volume 1 of the SER (General Information) includes the Staff's review of all sections of the General Information portion of DOE's license application. Volume 2 of the SER (Review of Repository Safety Before Permanent Closure) includes the Staff's review of all sections of Safety Analysis Report (SAR) Chapter 1 and section 5.11 of SAR Chapter 5. Volume 3 of the SER (Review of Repository Safety After Permanent Closure) includes the Staff's review of all sections of SAR Chapter 2. Volume 4 of the SER (Review of Administrative and Programmatic Requirements) includes the Staff's review of all sections of SAR Chapters 3 and 4 and sections 5.1 through 5.9 of SAR Chapter 5. Volume 5 of the SER (License Specifications and Conditions) includes the Staff's review of section 5.10 of SAR Chapter 5.

In addition to requesting the above information, the Board stated that it will assume for case management purposes that the Staff will issue SER Volume 4 in December 2010, SER

Volume 2 in October 2011, and SER Volume 5 in February 2012. As the Staff stated in its July 10 Response, the schedule for the completion of these three volumes is uncertain at this time and may change due to future fiscal year budgets or unanticipated emergent work associated with the review of the repository license application such as the DOE providing new information associated with the license application or final environmental impact statement, or if the DOE does not meet expectations regarding its responses to requests for additional information. However, with these caveats, the Staff does not believe that using the Board's proposed schedule for case management purposes is unrealistic at this time. Should that change, the Staff will so advise the Board.

Respectfully submitted,

**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
This 28<sup>th</sup> day of July, 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC AND SAFETY LICENSING BOARDS

In the Matter of	)	
	)	Docket No. 63-001-HLW
U.S. DEPARTMENT OF ENERGY	)	
	)	ASLBP Nos. 09-876-HLW-CAB01
(High-Level Waste Repository)	)	09-877-HLW-CAB02
	)	09-878-HLW-CAB03
	)	09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF ANSWER TO THE CAB'S JULY 21, 2009 ORDER CONCERNING SERIAL CASE MANAGEMENT" in the above-captioned proceeding have been served on the following persons this 28<sup>th</sup> of July, 2009, by Electronic Information Exchange.

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