

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

Before Administrative Judges:

Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell

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

Docket No. 63-001-HLW
ASLBP No. 09-892-HLW-CAB04
June 7, 2010

ORDER

This order memorializes the directions CAB 04 gave the participants at the June 4, 2010 case management conference. As we explained at the conference, no inference should be drawn from this order regarding the outcome of the matters before CAB 04.

The parties, interested governmental participants, and petitioners (hereinafter parties) shall confer with the Department of Energy (DOE) and agree upon a complete set of proposed conditions regarding DOE's Licensing Support Network (LSN) document collection. It appears that through the process of DOE's representations and answers to the Board's questions from the January 27 case management conference, DOE's written filings of February 4, February 19, and May 24, 2010, along with DOE's responses at the June 4 conference, there remain no significant disagreements among the parties regarding DOE's representations and commitments regarding its LSN document collection. Therefore, the agreed upon proposed conditions should spell out those representations and commitments and avoid incorporation by reference to preclude, or at least minimize, the likelihood of future misunderstandings or misapprehensions of the various representations and commitments that have been made to date by DOE regarding its actions and plans to preserve the DOE LSN document collection.

Counsel for the State of Nevada should take the lead in this undertaking and file such proposed conditions by June 18, 2010. In the event there are any disagreements between DOE and the parties over a proposed condition, an alternative condition that sets forth DOE's proposed condition on the point of disagreement should be included. Similarly, a proposed condition setting forth the position of the parties on the point of disagreement should be included.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 7, 2010

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Licensing Board **ORDER**, dated June 7, 2010, have been served upon the following persons by Electronic Information Exchange.

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