**UNITED STATES OF AMERICA**
**NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD**
**Before Administrative Judges:**

**09-892-HLW-CAB04**
**Thomas S. Moore, Chairman**
**Paul S. Ryerson**
**Richard E. Wardwell**

| | | |
|---|---|---|
| **In the Matter of** | ) | **November 30, 2010** |
| **U.S. DEPARTMENT OF ENERGY** | ) | **Docket No. 63-001-HLW** |
| **(High Level Waste Repository Construction Authorization Application)** | ) | |

**THE DEPARTMENT OF ENERGY'S CERTIFICATION OF**
**LICENSING SUPPORT NETWORK SUPPLEMENTATION**

The Revised Second Case Management Order (RSCMO) requires each Licensing Support Network (LSN) participant, after its initial certification, to certify on or before the first of each month that it has duly supplemented its collection.[1] On February 16, 2010, this Construction Authorization Board (Board) entered an order staying this proceeding until the Board resolves the Department of Energy's (DOE) motion to withdraw the license application.[2] The stay order would appear to suspend the parties' obligation under the RSCMO to make monthly LSN supplemental certifications. Nonetheless, DOE has stated that it will continue to supplement its LSN collection with any documentary material that DOE already has in process for production on the LSN.[3]

[1] Revised Second Case Management Order (July 6, 2007) (unpublished) at 21.

[2] CAB Order (Granting Stay of Proceeding) (Feb. 16, 2010) (unpublished) at 2.

[3] DOE's Status Report on its Archiving Plan (Feb. 19, 2010) at 2.

Accordingly, appended to this filing is the certification of John V. Montgomery.

DOE does not have any additions, corrections, or withdrawals to its privilege logs this month.

Respectfully submitted,

**U.S. DEPARTMENT OF ENERGY**

By Electronically Signed by Michael R. Shebelskie

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**THE DEPARTMENT OF ENERGY'S CERTIFICATION OF**
**LICENSING SUPPORT NETWORK SUPPLEMENTATION**

As the official responsible for administration of the U.S. Department of Energy's (DOE) duty to duly supplement its collection of electronic files of documentary material on the Licensing Support Network, I hereby certify that, pursuant to procedures established under 10 C.F.R. § 2.1009(a)(2), and the July 6, 2007 Revised Second Case Management Order, to the best of my knowledge, documentary material specified in 10 C.F.R. § 2.1003 has been identified and made available in accordance with the requirements of 10 C.F.R. § 2.1011(b)(2). This certification covers documentary material identified and made available via the Licensing Support Network subsequent to DOE's supplemental certification dated October 29, 2010.

John V. Montgomery

Dated at Washington, D.C.
this 30th day of November, 2010

**NUCLEAR REGULATORY COMMISSION**

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## CERTIFICATE OF SERVICE

I hereby certify that copies of **THE DEPARTMENT OF ENERGY'S CERTIFICATION OF LICENSING SUPPORT NETWORK SUPPLEMENTATION** have been served on the following persons on this 30th day of November 2010 through the Nuclear Regulatory Commission's Electronic Information Exchange.

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