

**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	)	Docket No. 63-001-HLW
	)	
U.S. DEPARTMENT OF ENERGY	)	ASLBP No. 09-892-HLW-CAB04
	)	
(High Level Waste Repository)	)	July 12, 2011
	)	

**U.S. DEPARTMENT OF ENERGY’S AND STATE OF NEVADA’S JOINT
RESPONSE TO JULY 7, 2011 CAB ORDER**

In response to the July 7, 2011 Order (Regarding DOE’s Reconsideration Motion), DOE and the State of Nevada jointly submit the attached “Agreement to Provide Licensing Support Network Document Collection” to each other and, upon request, to any other party to this proceeding. To resolve DOE’s June 20, 2011 Motion for Leave to File Motion for Reconsideration of June 10, 2011 CAB Order, DOE and Nevada respectfully request that the Board find the attached agreement sufficient to fulfill the intent of the June 10, 2011 Order.

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

STATE OF NEVADA

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**U.S. DEPARTMENT OF ENERGY'S AND STATE OF NEVADA'S JOINT
RESPONSE TO JULY 7, 2011 CAB ORDER**

ATTACHMENT

**AGREEMENT TO PROVIDE
LICENSING SUPPORT NETWORK DOCUMENT COLLECTION**

**AGREEMENT TO PROVIDE
LICENSING SUPPORT NETWORK DOCUMENT COLLECTION**

This Agreement is memorialized as of the 12th day of July, 2011 by and between the United States Department of Energy (DOE) and the State of Nevada (Nevada).

WHEREAS:

- a) DOE and Nevada, among others, are parties to the following proceeding before the United States Nuclear Regulatory Commission: *In the Matter of U.S. DEPARTMENT OF ENERGY (High Level Waste Repository)*, Docket No. 63-001-HLW (“the Licensing Proceeding”).
- b) In connection with the Licensing Proceeding, DOE and Nevada, among others, have made their respective documentary material available on the Licensing Support Network (“LSN”) in the form and manner required by the regulations applicable to the Licensing Proceeding (“LSN document collection”).
- c) The LSN makes the documentary material of the parties to the Licensing Proceeding publicly available through a web portal managed by the designated NRC administrator.
- d) If the NRC web portal is shut down at the end of fiscal year 2011, the parties to the proceeding will no longer be able to search and access the other parties’ documentary material through the LSN website.
- e) DOE and Nevada are willing to cooperate in making available copies of their respective public LSN collections to each other for a reasonable cost upon request.
- f) DOE and Nevada are willing to make their LSN collections available to any other party to the Licensing Proceeding, upon request, on the same terms and conditions that they have agreed to provide them to each other.

NOW, THEREFORE, DOE and Nevada agree as follows:

- 1. DOE will convert its LSN document collection to PDF/A format. DOE intends to complete this conversion by August 31, 2011.
- 2. Nevada has converted its LSN document collection to PDF format.
- 3. Upon conversion of its LSN document collection to PDF/A format, DOE will notify Nevada of the estimated electronic storage capacity and any other technical requirements to contain an electronic copy of the LSN document collection in that format. DOE will also propose a storage device or devices with sufficient capacity to hold DOE’s entire LSN document collection and disclose its cost.

- a. DOE will provide this information within 3 business days of completion of the conversion of its LSN document collection.
4. Within 21 days of receipt of Nevada's written acknowledgement that Nevada will provide or will reimburse DOE for the actual cost not to exceed \$2,500 of providing the electronic storage media referenced in paragraph 3 above and for the actual copying costs without mark-up not to exceed \$7,500, DOE will replicate its LSN document collection and provide it to Nevada.
 - a. The storage media cost to hold a copy of DOE's LSN collection depends on the actual size of that collection once converted to PDF/A format, but is currently estimated to be approximately \$1,500 per copy.
 - b. DOE's actual copying costs will be calculated by multiplying the man hours of DOE's litigation support contractor by its standard hourly rates. These costs depend on the amount of manual intervention needed to replicate DOE's LSN collection. DOE estimates the actual costs at between \$2,000 and \$5,000 per copy.
5. Upon request of a party to the Licensing Proceeding for a copy of DOE's LSN document collection and after receiving written acknowledgement that the requesting party will reimburse DOE for the actual cost of the electronic storage media and actual copying costs as referenced in paragraphs 3 and 4 above, DOE will replicate its LSN document collection and provide it to the requesting party on the same terms and conditions, except as to the timetable, as it was made available to Nevada.
 - a. In the event that DOE receives multiple requests, it will respond to them promptly in the normal course of business in the order in which the requesting parties submit the written acknowledgement.
 - b. DOE has already received a request for a copy of its LSN collection from Nye County, Nevada, and will respond to it in accordance with this Agreement.
6. Upon request of a party to the Licensing Proceeding, Nevada will promptly provide a copy of its LSN document collection on DVD without cost and accompanied by instructions for use.
7. DOE and Nevada will cooperate to resolve any technical issues associated with fulfilling the intent of this Agreement.

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CERTIFICATE OF SERVICE

I hereby certify that copies of **U.S. DEPARTMENT OF ENERGY'S AND STATE OF NEVADA'S JOINT RESPONSE TO JULY 7, 2011 CAB ORDER** have been served on the following persons on this 12th day of July 2011 through the Nuclear Regulatory Commission's Electronic Information Exchange.

CAB 04

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