

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

July 13, 2011

MEMORANDUM AND ORDER  
(Ruling on Motion to Dismiss)

On December 14, 2010, the Board issued a ruling on ten Phase I legal issues (LBP-10-22).<sup>1</sup> The Board also directed the affected parties — the Department of Energy (DOE), the State of Nevada (Nevada), the Nuclear Energy Institute (NEI), and the NRC Staff — to try to stipulate to the effects of the Board’s legal issue rulings on admitted contentions.<sup>2</sup>

On January 21, 2011, DOE submitted the affected parties’ stipulation,<sup>3</sup> stating that they agreed upon the effect of LBP-10-22 on several contentions, but disagreed with respect to five Phase I contentions: NEI-SAFETY-06, NEV-SAFETY-130, NEV-SAFETY-149, NEV-SAFETY-

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<sup>1</sup> See LBP-10-22, 72 NRC \_\_\_, \_\_\_ (slip op.) (Dec. 14, 2010).

<sup>2</sup> *Id.* at \_\_\_ (slip op. at 36).

<sup>3</sup> See U.S. Department of Energy’s Joint Report in Response to CAB Orders of December 8, 2010 and LBP-10-22 (Jan. 21, 2011) [hereinafter Joint Report]; *id.*, Attachment, Joint Stipulation Among DOE, Nevada, NEI and NRC Staff Regarding Admitted Contentions Affected by LBP-10-22 (Jan. 21, 2011) [hereinafter Joint Stipulation].

161, and NEV-SAFETY-162.<sup>4</sup> On March 24, 2011, the Board dismissed the contentions that the parties agreed should be dismissed, and instructed that DOE or the NRC Staff should file dispositive motions concerning other contentions they claimed to be affected by LBP-10-22.<sup>5</sup>

On April 8, 2011, DOE moved to dismiss NEV-SAFETY-149, NEV-SAFETY-161, NEV-SAFETY-162, and NEV-SAFETY-130,<sup>6</sup> arguing that the Board's resolution of Legal Issues 7, 8, and 10 in LBP-10-22 resolved them.<sup>7</sup> Nevada and the NRC Staff filed answers to DOE's motion on April 18, 2011.<sup>8</sup> Nevada opposes DOE's motion, arguing that the four contentions remain.<sup>9</sup> The NRC Staff agrees with DOE that NEV-SAFETY-149 and NEV-SAFETY-161 should be

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<sup>4</sup> See Joint Report at 4; see also Joint Stipulation at 1-6. To the extent the parties did not fully agree, each party filed its separate differing position. See Nuclear Energy Institute's Position on Effect of Ruling on Phase I Legal Issue 1 (NEI-SAFETY-05) (Jan. 21, 2011); State of Nevada's Separate Comments Regarding the Impact of LBP-10-22 on NEV-SAFETY-130, 149, 161, and 162 (Jan. 21, 2011) [hereinafter Nevada Separate Statement]; Differing Position of the NRC Staff in Response to LBP-10-22 (Jan. 21, 2011); U.S. Department of Energy's Statement of Additional Views on the Contentions Affected by the CAB Order of December 14, 2010 (Jan. 21, 2011) [hereinafter DOE Separate Statement].

<sup>5</sup> CAB Order (Dismissing Contentions) (Mar. 24, 2011) at 2 (unpublished).

<sup>6</sup> DOE also moved to dismiss NEI-SAFETY-05. See U.S. Department of Energy's Motion to Dismiss NEI Safety Contention 05 (Apr. 8, 2011). On May 10, 2011, the Board granted DOE's motion to dismiss NEI-SAFETY-05, concluding that LBP-10-22 resolved the legal issue presented. CAB Order (Dismissing NEI Safety Contention 05) (May 10, 2011) at 2 (unpublished).

<sup>7</sup> U.S. Department of Energy's Motion to Dismiss Nevada Safety Contentions 149, 161, 162, and 130 (Apr. 8, 2011) [hereinafter DOE Motion to Dismiss]. On April 16, 2011, DOE supplemented its motion to dismiss to address the 10 C.F.R. § 2.323(b) requirement that a motion include a certification by counsel that the movant has made a "sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful." See Supplement to U.S. Department of Energy's Motion to Dismiss Nevada Safety Contentions 149, 161, 162, and 130 (Apr. 16, 2011) at 2.

<sup>8</sup> See State of Nevada Answer Opposing the Department of Energy's Motion to Dismiss Nevada Safety Contentions 149, 161, 162, and 130 (Apr. 18, 2011) [hereinafter Nevada Answer]; NRC Staff Response to U.S. Department of Energy Motion to Dismiss Nevada Safety Contentions 149, 161, 162, and 130 (Apr. 18, 2011) [hereinafter NRC Staff Answer].

<sup>9</sup> See Nevada Answer at 7.

dismissed, but contends that NEV-SAFETY-130 and NEV-SAFETY-162 should be dismissed only in part.<sup>10</sup>

I. Analysis

a. NEV-SAFETY-149

NEV-SAFETY-149 alleges that DOE excluded deviations from repository design or errors in HLW emplacement from the features, events and processes (FEPs) considered in the Total System Performance Assessment (TSPA) on purely legal grounds that are unexplained and erroneous.<sup>11</sup> DOE and the NRC Staff argue that NEV-SAFETY-149 should be dismissed because the Board's determination of Legal Issue 7 resolved the legal issue contention.<sup>12</sup> Nevada argues NEV-SAFETY-149 should not be dismissed because the contention, as originally pled, included a factual component, which challenged the technical sufficiency of DOE's screening analysis of the FEP.<sup>13</sup>

We agree with DOE and the NRC Staff that NEV-SAFETY-149 should be dismissed because the contention presents only the legal issue that we resolved in ruling on Legal Issue 7. The legal issue raised by NEV-SAFETY-149 was predicated upon an erroneous statement in a supporting technical document, which stated that DOE screened out the FEP (deviations from design and errors in waste emplacement) on the basis of regulation.<sup>14</sup> DOE corrected the error before filing its License Application,<sup>15</sup> clarifying that it screened out the FEP based on "low

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<sup>10</sup> See NRC Staff Answer at 2.

<sup>11</sup> State of Nevada's Petition to Intervene as a Full Party (Dec. 19, 2008) at 783 [hereinafter Nevada Petition].

<sup>12</sup> See DOE Motion to Dismiss at 2; NRC Staff Answer at 4.

<sup>13</sup> See Nevada Answer at 2-3.

<sup>14</sup> See LBP-10-22, 72 NRC at \_\_ (slip op. at 19-20); see also Nevada Petition at 784.

<sup>15</sup> LBP-10-22, 72 NRC at \_\_ (slip op. at 20 n.75).

consequence” due to the requirements of its Quality Assurance (QA) program.<sup>16</sup>

Nevada nevertheless maintained that “DOE was actually making a legal argument.”<sup>17</sup> It suggested that “DOE seemed to be saying that its implementation of a compliant QA program leads as a matter of law to the conclusion that human errors will be detected and corrected in such a successful manner that they may all be screened out based on low consequence.”<sup>18</sup>

The parties agreed that that NEV-SAFETY-149 presented the following legal issue (Legal Issue 7):

Whether, under 10 C.F.R. § 63.114, DOE may rely upon its quality assurance program and procedures as a basis for excluding from consideration in the TSPA potential deviations from repository design or errors in waste emplacement.<sup>19</sup>

In LBP-10-22, the Board answered that question in the affirmative, holding that “[a]lthough coverage of a potential event by DOE’s quality assurance does not operate as a matter of law to exclude consideration of a FEP, the effects of the quality assurance program can be taken into account in determining the probability and consequences of the FEP.”<sup>20</sup> Accordingly, because LBP-10-22 resolves the legal issue presented in NEV-SAFETY-149, the contention is dismissed.

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<sup>16</sup> See Answer of the U.S. Department of Energy to the State of Nevada’s Petition to Intervene (Jan. 16, 2009) at 1381-82. DOE placed the corrected supporting technical document on the Licensing Support Network over five months before Nevada filed its intervention petition. U.S. Department of Energy Brief on Nevada-Safety Contention 149 (Dec. 7, 2009) at 3 n.6.

<sup>17</sup> See State of Nevada Reply Brief on Phase I Legal Issues (Jan. 6, 2010) at 24-25.

<sup>18</sup> Id. (citing State of Nevada’s Reply to DOE’s Answer to Nevada’s Petition to Intervene as a Full Party (Feb. 24, 2009) at 653-54).

<sup>19</sup> The parties jointly identified and proposed Legal Issue 7 as arising out of NEV-SAFETY-149. See U.S. Department of Energy, State of Nevada and Nuclear Energy Institute Joint Proposal Identifying Phase 1 Legal Issues for Briefing (Oct. 6, 2009), Attachment 1, U.S. Department of Energy, State of Nevada, and Nuclear Energy Institute Proposal Identifying Phase 1 Legal Issues for Briefing (Oct. 6, 2009) at 4 [hereinafter Joint Proposal Identifying Legal Issues Attachment]. The Board subsequently adopted the parties’ framing of the legal issue. See CAB Order (Identifying Phase I Legal Issues for Briefing) (Oct. 23, 2009) at 1 (unpublished); see also LBP-10-22, 72 NRC at \_\_\_ (slip op. at 19).

<sup>20</sup> LBP-10-22, 72 NRC at \_\_\_ (slip op. at 20).

Nevada purports to find a factual component to NEV-SAFETY-149, arguing that the contention also challenged the technical sufficiency of DOE's screening analysis.<sup>21</sup> As Nevada acknowledges, however, this contention was originally pled as a legal issue contention.<sup>22</sup> As such, NEV-SAFETY-149 lacks any factual support for the claim that DOE's reliance on its QA program is insufficient.<sup>23</sup> Moreover, Nevada admits that it was not until oral argument on Legal Issue 7 that it understood DOE was not contending that coverage of a potential event by DOE's QA program operates as a matter of law to exclude the FEP.<sup>24</sup> Accordingly, we reject Nevada's attempt to recast this contention as presenting a factual issue at this late stage.<sup>25</sup>

b. NEV-SAFETY-161

NEV-SAFETY-161 alleges that DOE's license application "violates the requirements that there be 'multiple barriers,' because its safety depends dispositively upon a single element of the engineered barrier system — the drip shield."<sup>26</sup> DOE and the NRC Staff argue that the contention should be dismissed because it is predicated on the absence or failure of the drip shields and, in ruling on Legal Issue 8, the Board held that DOE need not assume and then

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<sup>21</sup> See Nevada Answer at 2. Specifically, Nevada argues that NEV-SAFETY-149 alleged that the "proposition [that deviations from design and errors in waste emplacement may be screened out] is belied by decades of nuclear experience." Id.

<sup>22</sup> Nevada Separate Statement at 2.

<sup>23</sup> Indeed, Nevada conceded that "the pertinent question is whether, as a legal matter, DOE is entitled to ignore" deviations from repository design or errors in waste emplacement. See State of Nevada Reply Brief on Phase I Legal Issues (Jan. 6, 2010) at 26.

<sup>24</sup> See Nevada Separate Statement at 3 n.2 ("In fact, it did not become clear to Nevada that DOE's 'per se' discussion was not a kind of legal argument until the oral argument before the CAB when DOE represented to CAB that this was the case.").

<sup>25</sup> DOE still should correct the citation in its license application to the erroneous version of the pertinent supporting technical document. See SAR Subsection 2.2.1.2 at 2.2-17; "Features, Events and Processes for the Total System Performance Assessment: Analyses" (Mar. 6, 2008) at 6-39 and 6-40 (LSN# DEN001584824).

<sup>26</sup> See Nevada Petition at 857.

analyze the absence of the drip shields.<sup>27</sup> Nevada submits that NEV-SAFETY-161 survives as a factual contention challenging whether DOE has adequately shown that the multi-barrier protection system is not “wholly dependent on a single barrier.”<sup>28</sup>

We agree with Nevada that NEV-SAFETY-161 raises the factual question of whether DOE has sufficiently demonstrated that the multi-barrier protection system is not “wholly dependent on a single barrier,” which cannot be resolved by our ruling on Legal Issue 8.

As identified by the parties, Legal Issue 8 posited whether, under section 121(b)(1)(B) of the Nuclear Waste Policy Act (NWPA)<sup>29</sup> or 10 C.F.R. §§ 63.113(a) through (d) and 63.115(a) through (c), DOE is required to evaluate the absence or failure of all drip shields.<sup>30</sup> The Board clarified that the legal question presented was “whether DOE is required by the cited authorities to perform a drip shield neutralization analysis: that is, a performance analysis in which a barrier (the drip shields) is neutralized (assumed not to inhibit the movement of water or radionuclides), and a determination is made of the difference in result.”<sup>31</sup> The Board answered the question is the negative, holding that there is no legal requirement for DOE to “assume and then to analyze the complete failure of the drip shields” in order to determine that DOE has satisfied the multiple barrier requirements of the NWPA and 10 C.F.R. Part 63.<sup>32</sup> Therefore, inasmuch as NEV-SAFETY-161 claims that, by law, DOE is required to perform a drip shield neutralization analysis, it is dismissed.

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<sup>27</sup> See DOE Motion to Dismiss at 3; NRC Staff Answer at 4.

<sup>28</sup> Nevada Answer at 3-4.

<sup>29</sup> 42 U.S.C. § 10141(b)(1)(B) (2009).

<sup>30</sup> LBP-10-22, 72 NRC at \_\_\_ (slip op. at 20) (citing Joint Proposal Identifying Legal Issues Attachment at 4).

<sup>31</sup> LBP-10-22, 72 NRC at \_\_\_ (slip op. at 20-21).

<sup>32</sup> Id. at \_\_\_ (slip op. at 21).

In LBP-10-22, however, we stated that the resolution of Legal Issue 8 “does not resolve the related factual question of whether DOE has adequately demonstrated that the multi-barrier protection system is not wholly dependent on a single barrier.”<sup>33</sup> And indeed, as originally pled, NEV-SAFETY-161 alleged that DOE’s license application “violates the requirements that there be ‘multiple barriers,’ because its safety depends dispositively upon a single element of the engineered barrier system — the drip shield.”<sup>34</sup> Accordingly, this factual component of NEV-SAFETY-161 remains.

c. NEV-SAFETY-162

NEV-SAFETY-162 contends that DOE’s “plans to install the drip shields about one-hundred years from now, after all of the wastes are emplaced in the tunnels and just prior to repository closure . . . cannot be justified as safe because if installation of the drip shields proves to be defective or impossible it will be too late to assure safety by alternative means.”<sup>35</sup> DOE asserts that NEV-SAFETY-162 should be dismissed because, in resolving Legal Issue 10,<sup>36</sup> the Board held that in light of DOE’s drip shield installation plan, it is not impossible, as a matter of law, for the NRC to make the “reasonable expectation” finding required by 10 C.F.R. § 63.31(a)(2).<sup>37</sup> Nevada and the NRC Staff agree that insofar as NEV-SAFETY-162 alleges that the Commission cannot make the “reasonable expectation” finding as a matter of law, it should

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<sup>33</sup> Id. at \_\_\_ (slip op. at 23) (quoting 74 Fed. Reg. 10,811, 10,826 (Mar. 13, 2009) and 66 Fed. Reg. 55,732, 55,758 (Nov. 2, 2001)) (internal quotation marks omitted).

<sup>34</sup> Nevada Petition at 857.

<sup>35</sup> Id. at 861. In NEV-SAFETY-162, Nevada alleges that DOE’s drip shield installation plans contravenes 10 C.F.R. § 63.31(a)(2) (requiring a finding of reasonable assurance of disposal safety before a construction authorization could be issued) and 10 C.F.R. § 63.41(a)(2) (requiring prior to the pre-operational finding that construction of the underground facility be substantially completed). See Nevada Separate Statement at 8.

<sup>36</sup> The affected parties disagreed with respect to the nature of the legal issue raised by NEV-SAFETY-162. See Joint Proposal Identifying Legal Issues Attachment at 4. The Board adopted Nevada’s formulation of Legal Issue 10. See CAB Order (Identifying Phase I Legal Issues for Briefing) (Oct. 23, 2009) at 2 (unpublished).

<sup>37</sup> See DOE Separate Statement at 4.

be dismissed, but argue that the contention also challenges whether the Commission cannot make the “reasonable expectation” finding as a matter of fact, because DOE’s installation plan is unsafe.<sup>38</sup>

We agree with the NRC Staff and Nevada that NEV-SAFETY-162 remains as a factual contention challenging whether the “reasonable expectation” finding in 10 C.F.R. § 63.31 cannot be made based on DOE’s commitment to install the drip shields in the future.

In LBP-10-22, the Board clarified that Legal Issue 10 posited whether it is possible, as a matter of law, for the Commission to make the “reasonable expectation” finding required by 10 C.F.R. § 63.31(a)(2)<sup>39</sup> in light of DOE’s drip shield installation plan.<sup>40</sup> As we explained, Legal Issue 10 addressed solely whether the Commission must address “the requirement in section 64.41(a)(2) for substantial completion of underground storage space ‘required for initial operation’” in making its “reasonable expectation” determination.<sup>41</sup>

The Board concluded that 10 C.F.R. § 63.31 does not import the substantial completion test of section 63.41, holding that it is not impossible, as a matter of law, for the Commission to make the “reasonable expectation” finding.<sup>42</sup> The Board did not resolve, however, the related

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<sup>38</sup> See NRC Staff Answer at 6; Nevada Answer at 5; Nevada Separate Statement at 7.

<sup>39</sup> Pursuant to 10 C.F.R. § 63.31(a)(2), before authorizing construction at the proposed repository, the Commission must determine “[t]hat there is reasonable expectation that the materials can be disposed of without unreasonable risk to the health and safety of the public.”

<sup>40</sup> See LBP-10-22, 72 NRC at \_\_ (slip op. at 27). The Board accepted Nevada’s proposed framing of Legal Issue 10 which set forth in full:

Whether, in making the pre-construction authorization finding required by 10 C.F.R. § 63.31(a)(2), it must be considered whether, given DOE’s plan to install drip shields only after all of the wastes have been emplaced, it will be impossible to make the pre-operational finding in 10 C.F.R. § 63.41(a) that construction of the underground facility has been substantially completed in accordance with the license application, as amended, the Atomic Energy Act, and applicable NRC regulations.

Id.

<sup>41</sup> Id. at \_\_ (slip op. at 29).

<sup>42</sup> Id. at 28-29.

factual question regarding whether DOE's plan to install the drip shields after all the wastes are emplaced is unsafe thereby rendering impossible the "reasonable expectation" finding in 10 C.F.R. § 63.31 as a factual matter.

DOE argues that the factual issue raised by NEV-SAFETY-162 is foreclosed by the Board's resolution of Legal Issue 8, because Nevada's claim presumes that there will be no drip shields installed.<sup>43</sup> As explained above, in ruling on Legal Issue 8, we held that DOE is not required by regulation to perform a drip shield neutralization analysis — a performance analysis in which a barrier, e.g., the drip shields, is assumed not to inhibit the movement of water or radionuclides.<sup>44</sup> But the factual issue raised by NEV-SAFETY-162 does not require DOE to assume that the drip shields will not be installed. Rather the contention is predicated on Nevada's factual issues regarding DOE's ability to install the drip shields. And in LBP-10-22, we made clear that "Nevada will be able to raise factual issues concerning DOE's ability to install the drip shields under several admitted contentions."<sup>45</sup>

Accordingly, NEV-SAFETY-162 is dismissed insofar as it argues that the Commission cannot make the finding required by 10 C.F.R. § 63.31(a)(2) as a matter of law. However, NEV-SAFETY-162 remains as a factual contention alleging that the Commission cannot make the "reasonable expectation" finding as a matter of fact, based upon DOE's commitment to install the drip shields in the future.

d. NEV-SAFETY-130

NEV-SAFETY-130 alleges that installation of the drip shields cannot be assumed to occur because DOE did not: (1) identify the FEPs that might prevent drip shield installation; and (2) identify the relevant design features of the engineered barrier system, and therefore the

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<sup>43</sup> See DOE Motion to Dismiss at 5.

<sup>44</sup> LBP-10-22, 72 NRC at \_\_ (slip op. at 21-23).

<sup>45</sup> Id. at \_\_ (slip op. at 29).

contribution of the drip shields should be ignored in the TSPA or the no drip shield scenario should be considered.<sup>46</sup>

DOE contends that NEV-SAFETY-130 should be dismissed because it presumes the absence of the drip shields, which DOE need not consider consistent with the Board's resolution of Legal Issue 8.<sup>47</sup> DOE also argues that it is not required to "make a case for something in the construction authorization stage that . . . 'is not required by the regulations.'"<sup>48</sup> Nevada argues that NEV-SAFETY-130 is unaffected by our resolution of Legal Issue 8,<sup>49</sup> and the NRC Staff argues that the contention should be dismissed in part, but remains as a factual issue concerning DOE's ability to install the drip shields.<sup>50</sup>

We agree with the NRC Staff that NEV-SAFETY-130 should be dismissed in part. Insofar as NEV-SAFETY-130 posits that DOE is required to assume and then analyze the complete failure of the drip shields, we dismiss the contention.<sup>51</sup>

In LBP-10-22, however, we stated (and DOE acknowledged<sup>52</sup>), that Nevada can "raise factual issues concerning DOE's ability to install drip shields."<sup>53</sup> Indeed, NEV-SAFETY-130

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<sup>46</sup> Nevada Petition at 701.

<sup>47</sup> See DOE Motion to Dismiss at 5.

<sup>48</sup> Id. (quoting LBP-10-22, 72 NRC at \_\_\_ (slip op. at 29)).

<sup>49</sup> See Nevada Answer at 7.

<sup>50</sup> See NRC Staff Answer at 7-8.

<sup>51</sup> See LBP-10-22, 72 NRC at \_\_\_ (slip op. at 21) (holding that DOE need not assume and then analyze the effects of a complete failure of the drip shields).

<sup>52</sup> See U.S. Department of Energy Brief on Contention NEV-SAFETY-162 (Dec. 7, 2009) at 6 n.14 (conceding that NEV-SAFETY-130 raises a factual issue regarding DOE's ability to install the drip shields).

<sup>53</sup> LBP-10-22, 72 NRC at \_\_\_ (slip op. at 29).

raises such factual issues concerning DOE's ability to design, fabricate, and install the drip shields as planned.<sup>54</sup> Accordingly, NEV-SAFETY-130 remains in part as a factual contention.

II. Conclusion

For the foregoing reasons, DOE's motion to dismiss is granted in part. NEV-SAFETY-149 is dismissed. NEV-SAFETY-161, NEV-SAFETY-162, and NEV-SAFETY-130 are dismissed in part, and remain as factual contentions as set forth herein. With this Memorandum and Order, the Board now has resolved all of the Phase I legal issue contentions placed before us for resolution by the interested parties.<sup>55</sup>

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA/***

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Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

***/RA/***

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Paul S. Ryerson  
ADMINISTRATIVE JUDGE

***/RA/***

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Richard E. Wardwell  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
July 13, 2011

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<sup>54</sup> See Nevada Petition at 701.

<sup>55</sup> The other legal issue contentions were addressed and resolved in our earlier orders of March 24, 2011 and May 10, 2011. See CAB Order (Dismissing Contentions) (Mar. 24, 2011) (unpublished); CAB Order (Dismissing NEI Safety Contention 05) (May 10, 2011) (unpublished). Previously, the Board had consolidated the Phase I contentions in an order of December 30, 2009. CAB Order (Concerning Contention Consolidation and Groupings) (Dec. 30, 2009) (unpublished). The status of all earlier admitted or denied contentions is set forth in LBP-09-06, 69 NRC 367, aff'd in part, rev'd in part, CLI-09-14, 69 NRC 580 (2009) and LBP-09-29, 70 NRC 1028 (2009).

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NUCLEAR REGULATORY COMMISSION

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(High-Level Waste Repository) )  
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Docket No. 63-001-HLW  
ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (Ruling on Motion to Dismiss), dated July 13, 2011, 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-HLW  
MEMORANDUM AND ORDER (Ruling on Motion to Dismiss)

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