

October 20, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of	)	Docket No. PAPO-00
	)	
U.S. DEPARTMENT OF ENERGY	)	ASLBP No. 04-829-01-PAPO
	)	
(High Level Waste Repository:	)	
Pre-Application Matters)	)	

**DEPARTMENT OF ENERGY'S SUBMISSION OF A PROPOSED  
SCHEDULING ORDER FOR THIRD CASE MANAGEMENT ORDER**

As directed by the Pre-License Application Presiding Officer (PAPO) Board, the Department of Energy (DOE) has prepared a proposed scheduling order for a Third Case Management Order. Counsel for the Nuclear Regulatory Commission Staff and the State of Nevada have reviewed and approved the proposed scheduling order. DOE is also providing a WordPerfect version of the proposed scheduling order to the PAPO Board. DOE submits the enclosed scheduling order for the PAPO Board's endorsement.

Respectfully submitted,

**U.S. DEPARTMENT OF ENERGY**

By Original Signed by Michael R. Shebelskie

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**ORDER**

On October 19, 2005, the Pre-License Application Presiding Officer (PAPO) Board held a teleconference to discuss with counsel for the NRC Staff, the State of Nevada, and the Department of Energy the matters identified for discussion during the October 13, 2005 Case Management Conference, including a proposed schedule for filings related to the handling of protected sensitive information in the pre-license application phase of this proceeding. Based on the discussion during the October 19 Conference, the parties have agreed, with the PAPO Board's approval, to prepare drafts of a Third Case Management Order and related protective order(s) and affidavit(s) of non-disclosure concerning protected sensitive information pursuant to the following schedule:

- November 16, 2005: The NRC Staff, the State of Nevada, and the Department of Energy to make available a draft Third Case Management Order and related protective order(s) and affidavit(s) on their respective public websites and provide notice via the Electronic Information Exchange that the drafts are publicly available for comment.
- November 30, 2005: Public comment period on the proposed drafts ends.

- Week of December 5, 2005: Public conference call addressing comments and drafts.
- December 12, 2005: Submittal to the PAPO Board of a proposed Third Case Management Order and related protective orders and affidavits.

It is so ORDERED

The Pre-License Application  
Presiding Officer Board

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Rockville, Maryland  
October 20, 2005

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NUCLEAR REGULATORY COMMISSION  
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<b>(High-Level Waste Repository:</b>	)	
<b>Pre-Application Matter)</b>	)	

**DEPARTMENT OF ENERGY'S SUBMISSION OF A PROPOSED SCHEDULING  
ORDER FOR THIRD CASE MANAGEMENT ORDER  
CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing DEPARTMENT OF ENERGY'S SUBMISSION OF A PROPOSED SCHEDULING ORDER FOR THIRD CASE MANAGEMENT ORDER in the above captioned proceeding have been served on the following persons this 20<sup>th</sup> day of October, 2005 by Electronic Information Exchange.

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