

November 10, 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) |) | |

JOINT MOTION FOR MODIFICATION OF SCHEDULE

The NRC Staff, the Department of Energy and the State of Nevada jointly move for a brief extension of the dates associated with the development of the proposed Third Case Management Order. See Order (Schedule for Filings), dated October 25, 2005 (unpublished) ("October 25 Order").

Subsequent to the October 19, 2005 teleconference outlining the filing schedule, counsel for the parties exchanged an advanced draft of a Third Case Management Order and have had several joint discussions regarding the draft. While substantial progress and agreement has been made regarding the draft, additional time is needed to finalize the document because of the breadth and complexity of the issues.

Accordingly, the parties jointly request that the schedule in the October 25 Order be modified as follows:

- November 22, 2005: The NRC Staff, the State of Nevada, and the Department of Energy make available a proposed 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 and provide details concerning how a potential party may join the telephone conference call addressing comments and drafts scheduled for the week of December 12, 2005.

- December 7, 2005: Comment period on the proposed draft ends.
- Week of December 12, 2005: Public conference call among interested potential parties addressing comments and drafts.
- December 19, 2005: Submittal to the PAPO Board of a proposed Third Case Management Order and related protective order(s) and affidavit(s) and any separate comments or alternative proposed case management orders and related protective orders and affidavits.

Counsel for the Department of Energy and the State of Nevada have authorized the undersigned counsel for the NRC Staff to sign on their behalf. Inasmuch as this is a joint motion, the certification required by 10 C.F.R. § 2.323 need not be provided. Further, this extension will cause no prejudice to any party or potential participant.

In light of the foregoing, the parties submit that good cause exists to grant the instant motion.

Respectfully submitted,

/RA/

Harry E. Wedewer
Counsel for the NRC Staff

/RA/

Edward P. Noonan
Counsel for the Department of Energy

/RA/

Martin G. Malsch
Counsel for the State of Nevada

Dated at Rockville, Maryland
this 10th day of November 2005

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT MOTION FOR MODIFICATION OF SCHEDULE" in the above captioned proceeding have been served on the following persons this 10th day of November, 2005 by Electronic Information Exchange.

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