

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 11/15/2005

SERVED 11/15/2005

Before Administrative Judges:

Thomas S. Moore, Chairman
Alex S. Karlin
Alan S. Rosenthal

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:
Pre-Application Matters)

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO

November 15, 2005

ORDER
(Modified Schedule for Filings)

On October 19, 2005, the Pre-License Application Presiding Officer (PAPO) Board held a teleconference to discuss matters identified during an 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. Counsel for the NRC Staff, the State of Nevada, and the Department of Energy participated in the October 19 Conference. Based on those discussions, the potential parties agreed, with the PAPO Board's approval, to prepare a proposed draft of a Third Case Management Order and related protective order(s) and affidavits(s) of non-disclosure concerning protected sensitive information pursuant to a schedule that we later set forth in an October 25, 2005 order. On November 10, 2005, the NRC Staff, the State of Nevada, and the Department of Energy filed a joint motion to modify the previously established schedule.

The joint motion is granted. The following schedule shall now apply to the potential parties' filings:

- 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 as well as provide details concerning how other potential parties may join a telephone conference scheduled for the week of December 12, 2005 that will address comments and the proposed draft.

- 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 draft.
- 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.

It is so ORDERED.

For the Pre-License Application
Presiding Officer Board

[Original signed by:]

Thomas S. Moore, Chairman
Administrative Judge

Rockville, MD

November 15, 2005

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PAPO ORDER (MODIFIED SCHEDULE FOR FILINGS) have been served upon the following persons either by Electronic Information Exchange or electronic mail (denoted by an asterisk (*)).

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[Original signed by R. L. Giitter]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 15th day of November 2005