

February 21, 2006

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)	)	NRC-04

MOTION FOR CLARIFICATION

Pursuant to 10 C.F.R. § 2.323(a), the NRC Staff requests clarification regarding the certification of document supplementation on the Licensing Support Network (LSN). By order dated February 9, 2006, the Pre-License Application Presiding Officer (PAPO) Board suspended the monthly LSN supplementation requirement of Part VI. A. of the Second Case Management Order. PAPO Board Order (Suspending Monthly Supplementation Requirement), Feb. 9, 2006. Further, in footnote 2 of its February 9th Order, the PAPO Board stated, "As the language of Part VI. A. of the Second Case Management Order indicates, the certification requirement only arises if the document collection has been supplemented in any month." *Id.*

Under 10 C.F.R. § 2.1003(e), a potential party shall continue to supplement its document collection made available via the LSN at unspecified intervals after it has initially certified its holdings under 10 C.F.R. § 2.1009(b). The regulations do not specify that a potential party certify its supplementation. Because of its continuing obligation to supplement under 10 C.F.R. § 2.1003(e), the NRC Staff seeks to clarify whether the PAPO Board intended to suspend the certification requirement, in addition to the monthly supplementation requirement. Or, that the PAPO Board intended that a potential party shall certify its document supplementation when it continues to supplement, at unspecified intervals, under 10 C.F.R. § 2.1003(e).

Pursuant to 10 C.F.R. § 2.323(b), NRC Staff counsel has contacted counsel for the State of Nevada, Department of Energy and Nuclear Energy Institute in the addition to the LSN Administrator for Mineral County, Nevada who do not object to this motion.

Respectfully submitted,

**/RA/**

Harry E. Wedewer  
Counsel for the NRC Staff

Dated at Rockville, Maryland  
this 21st day of February, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "MOTION FOR CLARIFICATION" in the above captioned proceeding have been served on the following persons this 21st day of February, 2006 by Electronic Information Exchange.

Thomas S. Moore, Chair  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)

Alex S. Karlin  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)

Alan S. Rosenthal  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)  
[rsnthl@comcast.net](mailto:rsnthl@comcast.net)

G. Paul Bollwerk, III  
Administrative Judge  
U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)  
[gpb@nrc.gov](mailto:gpb@nrc.gov)

Office of the Secretary  
ATTN: Rulemakings and Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
Washington, D.C. 20555  
E-mail: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)

Donald P. Irwin, Esq.  
Kelly L. Faglioni, Esq.  
Edward P. Noonan, Esq.  
W. Jeffery Edwards, Esq.  
Michael R. Shebelskie, Esq.  
Melissa Grier  
Stephanie Meharg  
Audrey B. Rusteau  
Belinda A. Wright  
Christopher A. Updike  
Hunton & Williams, LLP  
951 East Byrd Street  
Richmond, VA 23219  
E-mail: [dirwin@hunton.com](mailto:dirwin@hunton.com)  
[kfaglioni@hunton.com](mailto:kfaglioni@hunton.com)  
[enoonan@hunton.com](mailto:enoonan@hunton.com)  
[arusteau@hunton.com](mailto:arusteau@hunton.com)  
[jedwards@hunton.com](mailto:jedwards@hunton.com)  
[mgrier@hunton.com](mailto:mgrier@hunton.com)  
[smeharg@hunton.com](mailto:smeharg@hunton.com)  
[bwright@hunton.com](mailto:bwright@hunton.com)  
[cupdike@hunton.com](mailto:cupdike@hunton.com)  
[mshebelskie@hunton.com](mailto:mshebelskie@hunton.com)

Michael A. Bauser, Esq.  
Associate General Counsel  
Ellen C. Ginsberg, Esq.  
Nuclear Energy Institute  
1776 I Street, NW, Suite 400  
Washington, D.C. 20006-3708  
E-mail: [mab@nei.org](mailto:mab@nei.org)  
[ecg@nei.org](mailto:ecg@nei.org)

Thomas R. Combs  
U.S. Nuclear Regulatory Commission  
Office of Congressional Affairs  
Mail Stop: O-17 A3  
Washington, D.C. 20555  
E-mail: [trc@nrc.gov](mailto:trc@nrc.gov)

Jason Pitts  
White Pine County  
City of Caliente  
Lincoln County  
E-mail: [idt@idtservices.com](mailto:idt@idtservices.com)

Atomic Safety and Licensing Board Panel  
(ASLBP) HLW Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail:  
[ASLBP\\_HLW\\_Adjudication@nrc.gov](mailto:ASLBP_HLW_Adjudication@nrc.gov)

Michele Boyd  
Legislative Representative  
Critical Mass Energy and Environment  
Public Citizen  
215 Pennsylvania Ave., SE  
Washington, D.C. 20003  
E-mail: [mboyd@citizen.org](mailto:mboyd@citizen.org)

Joseph R. Egan, Esq.  
Martin G. Malsch, Esq.  
Charles J. Fitzpatrick, Esq.  
Robert J. Cynkar, Esq.  
Jack Kewley  
Susan Montesi  
Nakita Toliver  
Egan, Fitzpatrick, Malsch & Cynkar, PLLC  
8300 Boone Blvd., Suite 340  
Vienna, VA 22182  
E-mail: [eganpc@aol.com](mailto:eganpc@aol.com)  
[mmalsch@nuclearlawyer.com](mailto:mmalsch@nuclearlawyer.com)  
[rcynkar@nuclearlawyer.com](mailto:rcynkar@nuclearlawyer.com)  
[cfitzpatrick@nuclearlawyer.com](mailto:cfitzpatrick@nuclearlawyer.com)  
[jkewley@nuclearlawyer.com](mailto:jkewley@nuclearlawyer.com)  
[smontesi@nuclearlawyer.com](mailto:smontesi@nuclearlawyer.com)  
[ntoliver@nuclearlawyer.com](mailto:ntoliver@nuclearlawyer.com)

Bethany L. Engel  
James M. Cutchin  
Jonathan Rund  
Susan Stevenson-Popp  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)

Andrew L. Bates  
Adria T. Byrdsong  
Rebecca L. Giitter  
Emile L. Julian, Esq.  
Evangeline S. Ngbea  
Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 C1  
Washington, D.C. 20555  
E-mail: [alb@nrc.gov](mailto:alb@nrc.gov)  
[atb1@nrc.gov](mailto:atb1@nrc.gov)  
[rlj@nrc.gov](mailto:rlj@nrc.gov)  
[elj@nrc.gov](mailto:elj@nrc.gov)  
[esn@nrc.gov](mailto:esn@nrc.gov)

Martha S. Crosland, Esq.  
Angela Kordyak, Esq.  
U.S. Department of Energy  
Office of the General Counsel  
1000 Independence Ave., SW  
Washington, D.C. 20585  
E-mail: [martha.crosland@hq.doe.gov](mailto:martha.crosland@hq.doe.gov)  
[angela.kordyak@hq.doe.gov](mailto:angela.kordyak@hq.doe.gov)

William Greene  
Public Information Officer  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, D.C. 20585  
E-mail: [william.greene@hq.doe.gov](mailto:william.greene@hq.doe.gov)

Anthony C. Eitreim, Esq.  
Chief Counsel  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [papo@nrc.gov](mailto:papo@nrc.gov)  
[ace1@nrc.gov](mailto:ace1@nrc.gov)

Daniel J. Graser  
Licensing and Support Network  
Administrator  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3 F23  
Washington, D.C. 20555  
E-mail: [djq2@nrc.gov](mailto:djq2@nrc.gov)

Robert Loux  
Steve Frishman, Tech. Policy Coordinator  
Nuclear Waste Project Office  
1761 East College Parkway, Suite 118  
Carson City, NV 89706  
E-mail: [bloux@nuc.state.nv.us](mailto:bloux@nuc.state.nv.us)  
[steve.frishman@gmail.com](mailto:steve.frishman@gmail.com)

Engelbrecht von Tiesenhausen  
Clark County Nuclear Waste Division  
500 S. Grand Central Parkway  
Las Vegas, NV 89155  
E-mail: [evt@co.clark.nv.us](mailto:evt@co.clark.nv.us)

Judy Treichel  
Executive Director  
Nevada Nuclear Waste Task Force  
Alamo Plaza, 4550 W. Oakley Blvd.,  
Suite 111  
Las Vegas, NV 89102  
E-mail: [judynwtf@aol.com](mailto:judynwtf@aol.com)

George W. Hellstrom, Esq.  
U.S. Department of Energy  
Office of the General Counsel  
1551 Hillshire Drive  
Las Vegas, NV 89134-6321  
E-mail: [george.hellstrom@ymp.gov](mailto:george.hellstrom@ymp.gov)

Deborah Teske  
Lander County Nuclear Waste Oversight  
Program  
315 Humboldt Street  
Battle Mountain, NV 89820  
E-mail: [dteske@landercounty.org](mailto:dteske@landercounty.org)

Patricia Larimore  
Talisman International, LLC  
1000 Potomac Street, NW, Suite 300  
Washington, D.C. 20007  
E-mail: [plarimore@talisman-intl.com](mailto:plarimore@talisman-intl.com)

Loreen Pitchford Consulting  
LSN Administrator for Lander, Mineral and  
Churchill Counties  
P.O. Box 33908  
Reno, NV 89533  
E-mail: [lpitchford@comcast.net](mailto:lpitchford@comcast.net)

Chris Howard  
GIS/LAN Administrator  
Inyo County  
163 May Street  
Bishop, CA 93514  
E-mail: [choward@inyowater.org](mailto:choward@inyowater.org)

Senator Harry Reid  
Attn: Sandra Schubert  
Room 528 Hart Senate Office Building  
United States Senate  
Washington, D.C. 20510-2803  
E-mail: [Sandra\\_Schubert@reid.senate.gov](mailto:Sandra_Schubert@reid.senate.gov)

Jeffrey Kriner  
Yucca Mountain Project, Licensing Group  
DOE/BSC  
E-mail: [jeffrey\\_kriner@ymp.gov](mailto:jeffrey_kriner@ymp.gov)

**/RA/**

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Harry E. Wedewer  
Counsel for the NRC Staff