

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Thomas S. Moore, Chairman

Paul S. Ryerson

Richard E. Wardwell

In the Matter of)	Docket No. 63-001
)	
U.S. DEPARTMENT OF ENERGY)	ASLBP No. 09-892-HLW-CAB04
)	
(High-Level Waste Repository))	November 2, 2009
)	

**U.S. DEPARTMENT OF ENERGY'S NOTICE
REGARDING THE IDENTIFICATION OF OTHER WITNESSES**

On September 30, 2009, Construction Authorization Board-04 (CAB-04) issued CAB Case Management Order #2 ("the Order"), addressing matters related to discovery in the above-captioned proceeding. The Order directs each party, including the NRC Staff ("Staff") with respect to Phase I contentions, to identify, within 30 days of the Order, those witnesses it intends to depose who have not been previously identified as party witnesses ("Other Witnesses"). *Id.* at 6.

At this time, the Department of Energy ("DOE") has not identified any Other Witnesses for deposition. Pursuant to the Order, DOE will provide an update within 60 days. Order at 6.

Respectfully submitted,

Signed (electronically) by Donald J. Silverman

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Dated in Washington, DC
this 2nd day of November 2009

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Construction Authorization Application))	
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CERTIFICATE OF SERVICE

I hereby certify that copies of the “U.S. DEPARTMENT OF ENERGY’S NOTICE REGARDING IDENTIFICATION OF OTHER WITNESSES” have been served on the following persons on this 2nd day of November 2009 through the Nuclear Regulatory Commission’s Electronic Information Exchange.

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