In the Matter of

U.S. DEPARTMENT OF ENERGY

(High-Level Waste Repository)

Docket No. 63-001-HLW

ASLBP No. 09-892-HLW-CAB04

NRC STAFF COMMENTS CONCERNING LSNA MEMORANDUM

On December 17, 2009 the Licensing Support Network (LSN) Administrator (LSNA) provided the Board, and served on the parties, a memorandum concerning potential impacts on the LSN should the Department of Energy (DOE) withdraw its license application. By order dated December 22, 2009, Construction Authorization Board-04 (CAB) directed the parties to prepare to discuss the issues raised in the LSNA memorandum during a case management conference scheduled for January 27, 2010 in Las Vegas, Nevada, and encouraged the parties to file written comments on the memorandum by January 21, 2010. Comments by the NRC staff (Staff) are set forth below.

The Staff's LSN collection currently contains 33,225 documents. Of these documents, 25,950 are PDF files and 7,256 files are TIFF/ Optical Character Recognition (OCR) with an associated PDF on ADAMS. If necessary, the remaining TIFF/OCR pairs could be converted to PDF files at a future date.

The items in the Staff's LSN collection are available via the Agencywide Documents Access and Management System (ADAMS) and those items that are currently publicly available would remain publicly available through ADAMS even if the LSN were suspended or terminated. In addition, privileged documents that are currently marked by only a header on the LSN are
maintained in the non-public portion of ADAMS, and would be maintained in non-public ADAMS if the LSN were suspended or terminated. The Staff will preserve any documents that are not currently PDF or TIFF files in ADAMS consistent with the NRC's records retention requirements.

Respectfully submitted,

/Signed (electronically) by/
Margaret J. Bupp
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15-D21
Washington, DC 20555-0001
(301) 415-3722
mjb5@nrc.gov

Dated at Rockville, Maryland
this 21st day of January, 2010
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the “NRC STAFF COMMENTS CONCERNING LSNA MEMORANDUM” in the above-captioned proceeding have been served on the following persons this 21st day of January, 2010, by Electronic Information Exchange.

CAB 04
Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: tsm2@nrc.gov
psr1@nrc.gov
rew@nrc.gov

Office of the Secretary
ATTN: Docketing and Service
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
E-mail: HEARINGDOCKET@nrc.gov

Office of Commission Appellate
Adjudication
ocaamail@nrc.gov

Charles J. Fitzpatrick, Esq.
John W. Lawrence, Esq.
Egan, Fitzpatrick, Malsch & Lawrence PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
E-mail: cfitzpatrick@nuclearlawyer.com
jlawrence@nuclearlawyer.com

Martin G. Malsch, Esq.
Egan, Fitzpatrick & Malsch, PLLC
1750 K Street, N.W. Suite 350
Washington, D.C. 20006
E-mail: mmalsch@nuclearlawyer.com

Martin G. Malsch, Esq.
Egan, Fitzpatrick & Malsch, PLLC
1750 K Street, N.W. Suite 350
Washington, D.C. 20006
E-mail: mmalsch@nuclearlawyer.com

Brian W. Hembacher, Esq.
Deputy Attorney General
California Attorney General’s Office
300 South Spring Street
Los Angeles, CA 90013
E-mail: brian.hembacher@doj.ca.gov

Brian W. Hembacher, Esq.
Deputy Attorney General
California Attorney General’s Office
300 South Spring Street
Los Angeles, CA 90013
E-mail: brian.hembacher@doj.ca.gov

Kevin W. Bell, Esq.
Senior Staff Counsel
California Energy Commission
1516 9th Street
Sacramento, CA 95814
E-mail: kwbell@energy.state.ca.us

Timothy E. Sullivan, Esq.
Deputy Attorney General
California Department of Justice
1516 Clay Street., 20th Flr.
P.O. Box 70550
Oakland, CA 94612-0550
E-mail: timothy.sullivan@doj.ca.gov

Kevin W. Bell, Esq.
Senior Staff Counsel
California Energy Commission
1516 9th Street
Sacramento, CA 95814
E-mail: kwbell@energy.state.ca.us

Bryce C. Loveland
Jennings Strouss & Salmon, PLC
8330 W. Sahara Avenue, Suite 290
Las Vegas, NV 89117-8949
Email: bloveland@jsslaw.com
David A. Repka  
William A. Horin  
Rachel Miras-Wilson  
Winston & Strawn LLP  
1700 K Street N.W.  
Washington, D.C. 20006  
E-mail: drepka@winston.com  
  whorin@winston.com  
  rwilson@winston.com

Jay E. Silberg  
Timothy J.V. Walsh  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1122  
E-mail: jay.silberg@pillsburylaw.com  
  timothy.walsh@pillsburylaw.com

Gregory L. James  
710 Autumn Leaves Circle  
Bishop, California 93514  
Email: gljames@earthlink.net

Arthur J. Harrington  
Godfrey & Kahn, S.C.  
780 N. Water Street  
Milwaukee, WI 53202  
E-mail: aharrington@gklaw.com

Steven A. Heinzen  
Douglas M. Poland  
Hannah L. Renfro  
Godfrey & Kahn, S.C.  
One East Main Street, Suite 500  
P.O. Box 2719  
Madison, WI 53701-2719  
E-mail: sheinzen@gklaw.com  
  dpoland@gklaw.com  
  hrenfro@gklaw.com

Robert F. List, Esq.  
Jennifer A. Gores, Esq.  
Armstrong Teasdale LLP  
1975 Village Center Circle, Suite 140  
Las Vegas, NV 89134-6237  
E-mail: rlist@armstrongteasdale.com  
  jgores@armstrongteasdale.com

Diane Curran  
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.  
1726 M Street N.W., Suite 600  
Washington, D.C. 20036  
E-mail: dcurran@harmoncurran.com

Ian Zabarte, Board Member  
Native Community Action Council  
P.O. Box 140  
Baker, NV 89311  
E-mail: mrizabarte@gmail.com

Richard Sears  
District Attorney No. 5489  
White Pine County District Attorney’s Office  
801 Clark Street, Suite 3  
Ely, NV 89301  
E-mail: nwsears@wpcda.org

Donald P. Irwin  
Michael R. Shebelskie  
Kelly L. Faglioni  
Hunton & Williams LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219-4074  
E-mail: dirwin@hunton.com  
  mshebelskie@hunton.com  
  kfaglioni@hunton.com

Curtis G. Berkey  
Scott W. Williams  
Rovianne A. Leigh  
Alexander, Berkey, Williams, & Weathers LLP  
2030 Addison Street, Suite 410  
Berkley, CA 94704  
E-mail: cberkey@abwwlaw.com  
  swilliams@abwwlaw.com  
  rleigh@abwwlaw.com

Bret O. Whipple  
1100 South Tenth Street  
Las Vegas, Nevada 89104  
E-mail: bretwhipple@nomademail.com
Gregory Barlow  
P.O. Box 60  
Pioche, Nevada 89043  
E-mail: lctda@lcturbonet.com

Connie Simkins  
P.O. Box 1068  
Caliente, Nevada 89008  
E-mail: jcciac@co.lincoln.nv.us

Dr. Mike Baughman  
Intertech Services Corporation  
P.O. Box 2008  
Carson City, Nevada 89702  
E-mail: bigoff@aol.com

Michael Berger  
Robert S. Hanna  
Attorney for the County of Inyo  
233 East Carrillo Street Suite B  
Santa Barbara, California 93101  
E-mail: mberger@bsglaw.net  
rshanna@bsglaw.net

/Signed (electronically) by/

Margaret J. Bupp  
Counsel for the NRC Staff  
U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15D21  
Washington, DC 20555-0001  
(301) 415-3722  
mjb5@nrc.gov