

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

Before Administrative Judges:

Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository)

Docket No. 63-001-HLW

ASLBP No. 09-892-HLW-CAB04

November 23, 2010

ORDER
(Schedule for Answers)

On November 18, 2010, counsel for the State of Nevada filed with the judges of CAB-04 a letter that also was served upon all parties to the proceeding.¹ The Licensing Board reminds counsel for all parties what the Pre-License Application Presiding Officer Board stated in its initial case management order in 2004: "This formal adjudicatory proceeding is being conducted under 10 C.F.R. Subpart J and informal letter practice is highly disfavored and inappropriate."² Nonetheless, the Board will treat the November 18, 2010 letter from Nevada's counsel as a motion. Any answers to Nevada's "motion" will be deemed timely if filed within ten (10) days of the date of this Order.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 23, 2010

¹ Letter from Martin Malsch, counsel for the State of Nevada, to CAB-04 (Nov. 18, 2010).

² PAPO Board Order (Initial Pre-License Application Phase Order) (July 9, 2004) at 3 (unpublished).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Schedule for Answers)**, dated November 23, 2010, have been served upon the following persons by Electronic Information Exchange.

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[Original Signed by Linda D. Lewis]

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