



U.S. Department of Energy
Office of Civilian Radioactive Waste Management



OCRWM Program and Project Status Report

Presented to:

**Nuclear Waste Technical Review Board (NWTRB)
Board Fall Meeting**

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License Application Key Milestones

- **Licensing Support Network (LSN) Certification - December 2007**
 - Actual: October 19, 2007
- **Supplemental Environmental Impact Statement - May 2008**
 - Actual: June 16, 2008
- **License Application (LA) Submittal - June 30, 2008**
 - Actual: June 3, 2008
- **U.S. Nuclear Regulatory Commission (NRC) Docketing and Hearings**
 - Actual: NRC Docketing: September 8, 2008
 - Federal Register Notice of Hearing: TBD



Relationship of NRC Staff Review Process to the Hearing Process

- **Staff Safety and Environmental Reviews
(10 CFR Parts 63 and 51)**
- **Parallel But Separate Hearing Process Before
Atomic Safety and Licensing Boards (ASLBs)
(10 CFR Part 2)**
 - **Subparts C & G – General Applicability**
 - **Subpart I – Classified Information**
 - **Subpart J – Yucca Mountain Project (YMP)-Specific
(e.g. LSN)**
 - **Appendix D – YMP-Specific Hearing Milestones**



Role of the ASLB

- **ASLBs Comprised of Three Judges (one legal, two technical)**
- **ASLBs Control Hearing Process, Including:**
 - Schedules/Hearing Location
 - Procedural Rulings (Including Admissibility of Parties and Contentions)
 - Conduct of Pre-hearing Conferences
 - Discovery Rulings
 - Rulings on Motions
 - Conduct of Evidentiary Hearing
 - Findings of Fact/Conclusions of Law
- **ASLBs Have Authority to Authorize NRC Staff to Issue License, or to Condition or Deny Issuance of the License**



Initial Major Milestones in the Hearing Process

- **DOE tenders LA and National Environmental Policy Act documents (June 3, 2008 and June 16, 2008)**
- **NRC docket LA (September 5, 2008)**
- **NRC issues Federal Register Notice of Hearing (TBD)**
- **Petitions to Intervene filed with the NRC (+ 60 days)**
- **Commission Forwards Petitions to Atomic Safety and Licensing Board Panel**
- **DOE Answers (TBD)**
- **Petitioners' Reply (TBD)**
- **Initial Prehearing Conference (shortly after receipt of replies)**
- **ASLBs Grant/Deny Petitions and Admit/Reject Contentions (+ 30 days)**

