

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Thomas S. Moore, Chairman
Alex S. Karlin
Alan S. Rosenthal

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:
Pre-Application Matters)

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO
NEV-01

July 23, 2004

MEMORANDUM AND ORDER
(Terms for Oral Argument)

As set forth in our earlier July 14, 2004 Memorandum and Order, we will hear oral argument on the State of Nevada's (NEV) July 12, 2004 motion at 9:00 a.m. EDT, Tuesday, July 27, 2004 in the Atomic Safety and Licensing Board third floor hearing room, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

1. Participants and Time Allocation

We will hear argument from one counsel for NEV, one counsel for the Department of Energy (DEN), and one counsel for NRC. No argument from any other participant filing an answer will be heard. No later than 3:00 p.m., Monday, July 26, 2004, NEV, DEN, and NRC shall file a notification of the name of counsel who will be presenting argument. As the proponent of the July 12 motion, NEV will argue first. Counsel for NEV shall have 75 minutes for argument and may reserve up to 25 minutes of that allotment for rebuttal (which will be strictly confined to a response to the assertions advanced in the other oral arguments). Counsel for DEN shall then have 60 minutes for argument. Counsel for NRC shall have 15 minutes for argument. Each participants' time allocation shall include the time spent responding to the Board questions.

In presenting their arguments, the participants are advised that we will be fully familiar with their pleadings. Therefore, the participants should focus their presentations upon the critical points in controversy, including those matters in our July 12, 2004 Memorandum and Order.

2. Participant and Other Attendee Preregistration

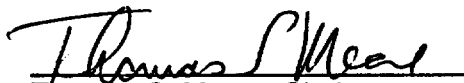
To expedite entry into the NRC headquarters complex, counsel for each participant should, no later than 3:00 p.m. on Monday, July 26, 2004, e-mail the Board (PAPO@nrc.gov) a list of names of all persons associated with that participant that will be attending the hearing. Any member of the public who wishes to expedite his or her entry into the building on July 27 also should e-mail a similar preregistration.

3. Security Procedures

Upon arrival at the main entrance of the NRC headquarters Two White Flint North building on July 27, all participants and members of the public seeking to attend the argument may be required to present two forms of identification (including a photo identification card) and then undergo security screening. All non-NRC employees must be escorted to the hearing room by an authorized NRC employee. Because of the time required for the security requirements, counsel for NEV and DEN should arrive no later than 8:30 a.m. in order not to delay the oral argument. Similarly, the members of the public also should arrive early in order to gain on-time admission to the hearing room.

It is so ORDERED.

For the Pre-license Application
Presiding Officer Board


Thomas S. Moore, Chairman
Administrative Judge

Rockville, Maryland
July 23, 2004

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NUCLEAR REGULATORY COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (TERMS FOR ORAL ARGUMENT) have been served upon the following persons by electronic mail and/or Electronic Information Exchange as denoted by an asterisk (*).

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Dated at Rockville, Maryland,
this 23rd day of July 2004