

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED 02/19/08

ATOMIC SAFETY AND LICENSING BOARD

SERVED 02/19/08

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

February 19, 2008

ORDER

(Scheduling and Terms for Oral Argument)

The Pre-License Application Presiding Officer (PAPO) Board will hear oral argument on the Department of Energy's (DOE) Motion to Strike the State of Nevada's January 17, 2008 LSN Certification at 9:00 a.m. EST, Thursday, February 28, 2008 in the Atomic Safety and Licensing Board Panel's hearing room, third floor, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. As movant, one counsel for the DOE will argue first and have one hour to present argument, reserving no more than fifteen minutes for rebuttal. One counsel for the State of Nevada shall argue second and also have one hour for argument. Counsel for the Nuclear Regulatory Commission (NRC) filed an answer to DOE's motion providing neither support or objection to the motion, and no other potential party has filed a timely brief with respect to the motion being argued; therefore, participants in the February 28 oral argument will be limited to DOE and the State of Nevada. In presenting their arguments, the participants are advised that the Board will be fully familiar with their pleadings. Therefore, the participants should focus their presentations upon the critical points in controversy.

The DOE and the State shall, no later than 3:00 p.m. EST on Tuesday, February 26, 2008, e-mail Trish Harich ([patricia.harich@nrc.gov](mailto:patricia.harich@nrc.gov)) the names of counsel participating in the argument. To expedite entry into the NRC headquarters complex, counsel for the DOE and the State should also include in the e-mail a list of names of all persons associated with that participant that will be attending the argument. Any member of the public who wishes to expedite his or her entry into the building on February 28, 2008 should e-mail a similar preregistration.

Upon arrival at the main entrance of the NRC headquarters Two White Flint North building on February 28, all participants and members of the public seeking to attend the argument may be required to present two forms of identification (including a government issued photo identification) 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 the DOE and the State 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.

Due to the time differential between Rockville and Las Vegas, and the fact that the PAPO Board is only hearing argument, the Las Vegas Hearing Facility will not be open to the public to observe the oral argument on the hearing room monitors. The argument will be transcribed and a transcript of the proceeding will be in the agency's Agencywide Documents Access and Management System (ADAMS) approximately one week after the argument.

It is so ORDERED.

For the Pre-license Application  
Presiding Officer Board

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Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 19, 2008

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PAPO BOARD ORDER (SCHEDULING AND TERMS FOR ORAL ARGUMENT) have been served upon the following persons by Electronic Information Exchange. U.S. Nuclear Regulatory Commission.

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[Original signed by Nancy Greathead]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 19<sup>th</sup> day of February 2008