

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
U.S. ARMY INSTALLATION COMMAND

Docket No. 40-9083

ASLBP No. 10-895-01-ML-BD01

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.104, 2.105, 2.300, 2.313, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

U.S. Army Installation Command
(Schofield Barracks, Oahu, Hawaii, and Pohakuloa Training Area, Island of Hawaii, Hawaii)

This proceeding concerns four requests for hearing from petitioners Cory Martha Harden, Amelia Gora, Luwella Leonardi, and Barbara Moore. Additionally, e-mails in support of Ms. Harden's hearing request were submitted by Jim Albertini on behalf of the Malu 'Aina Center for Non-Violent Education and Action, by Isaac D. Harp, and by Angela Rosa. The hearing requests and supporting filings were submitted in response to an August 13, 2009 Notice of License Application Request of U.S. Army Installation Command for Schofield Barracks, Oahu, Hawaii, and Pohakuloa Training Area, Island of Hawaii, Hawaii, and Notice of Opportunity To Request a Hearing (74 Fed. Reg. 40,855). The license application requests authority for the U.S. Army Installation Command to possess depleted uranium (DU) at the Schofield Barracks and Pohakuloa Training Area sites due to the existence of residual DU resulting from the use of M101 Spotting Rounds.

The Board is comprised of the following administrative judges:

E. Roy Hawkens, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Anthony J. Baratta
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Michael F. Kennedy
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

All correspondence, documents, and other materials ordinarily are filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 Fed. Reg. 49,139). Several petitioners have requested to be exempted from complying with that rule. Those requests shall be resolved by the Board.

/RA/

E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland,
this 24th day of November 2009.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. ARMY INSTALLATION COMMAND) Docket No. 40-9083-ML
)
(Depleted Uranium at Pohakuloa Training)
Area and Schofield Barracks, Hawaii))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD have been served upon the following persons by E-mail with additional service on representatives of the NRC Staff and the U.S. Army Installation Command by Electronic Information Exchange (EIE).

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
Washington, DC 20555-0001

E. Roy Hawken, Chair
Chief Administrative Judge
E-mail: erh@nrc.gov

Anthony J. Baratta
Administrative Judge
E-mail: ajb5@nrc.gov

Michael F. Kennedy
Administrative Judge
E-mail: mfk2@nrc.gov

Katherine Tucker,
Law Clerk
E-mail: Katie.tucker@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15 D21
Washington, DC 20555-0001

Catherine Scott, Esq.
Kimberly Sexton, Esq.
Brett Klukan, Esq.
E-mail:
catherine.marco@nrc.gov
kas2@nrc.gov
brett.klukan@nrc.gov

OGC Mail Center: OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-7H4M
Washington, DC 20555-0001
E-mail: oca@mail@nrc.gov

U.S. Army Installation Command
Environmental Law Division
901 N. Stuart St., Suite 402
Arlington, VA 22203
Kent Herring, LTC, JA
E-mail: kent.herring@us.army.mil

Docket No. 40-9083-ML
(ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD)

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Rulemakings & Adjudications Staff
Mail Stop O-16C1
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Cory Harden
P.O. Box 10265
Hilo, Hawaii 96721
E-mail: mh@interpac.net

Malu 'Aina Center for Non-violent
Education & Action
P.O. Box AB
Kurtistown, Hawaii 96760
Jim Albertini, President
E-mail: JA@interpac.net

Amelia Gora
P.O. Box 861781
Wahiawai, Hawaii 96786
E-mail: hawaiianhistory@gmail.com

Isaac D. Harp
P.O. Box 437347
Kamuela, Hawaii 96743
lmua-hawaii@hawaii.rr.com

Luwella K. Leonardi
85-1363 Halapoe Place
Waianae, Hawaii 96792
E-mail: phonicsworks@gmail.com

Angela Rosa
P.O. Box 43
Hawi, Hawaii 96719
E-mail: angelarosa48@hotmail.com

Barbara Moore
E-mail: dfly@dragonflyranch.com

[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 24th day of November 2009.