

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)
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Docket No. 63-001-HLW
ASLBP No. 09-892-HLW-CAB04
January 7, 2010

ORDER
(Scheduling Oral Argument)

Construction Authorization Board (CAB) 04 will hear oral argument on the legal issues identified in its order of October 23, 2009, at the Las Vegas Hearing Facility on January 26, 2010 at 9:00 a.m. PST and, if necessary, also on January 27, 2010. Counsel for the affected parties as defined in CAB Case Management Order #2 (i.e., DOE, NRC Staff, NEI and State of Nevada), shall appear to present argument. Counsel for all other parties are free to attend the oral argument on January 26, if they wish. Counsel for the affected parties shall also appear for a 9:00 a.m. PST case conference on January 27, 2010 to address, inter alia, the matters raised in the Licensing Support Network Administrator's December 17, 2009 Memorandum to the Licensing Board and the Board's December 22, 2009 order. Counsel for all other parties may attend the conference in person but, in any event, shall participate via telephone conference if they choose not to attend in person. Oral argument on any issues not completed on January 26, 2010 will be heard at the conclusion of the case conference on January 27, 2010.

The Licensing Board will issue a subsequent order setting forth the terms and logistics for the argument. Additionally, the parties should continue to reserve the tentative February 2010 dates identified in the Board's order of December 10, 2009.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 7, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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U.S. DEPARTMENT OF ENERGY)
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(High-Level Waste Repository))
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ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Oral Argument)** dated January 7, 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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