

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

E. Roy Hawkens, Chairman
Dr. Anthony J. Baratta
Dr. Michael F. Kennedy

In the Matter of

U.S. ARMY INSTALLATION COMMAND

(Schofield Barracks, Oahu, Hawaii, and
Pohakuloa Training Area, Island of Hawaii,
Hawaii)

Docket No. 40-9083

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

January 7, 2010

MEMORANDUM AND ORDER
(Setting Oral Argument)

The Board will hear oral argument on standing and contention admissibility on Wednesday, January 13, 2010, commencing at 2:00 pm Eastern Standard Time (ET), and adjourning no later than 8:00 pm. The oral argument will be held in the Atomic Safety and Licensing Board Panel's Rockville Hearing Room, located on the third floor of Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. Representatives for the Nuclear Regulatory Commission (NRC Staff) and the U.S. Army Installation Command (Army) will appear before the Board in the Rockville Hearing Room. The four petitioners (Jim Albertini, Cory Harden, Isaac Harp, and Luwella Leonardi) will participate via videoconference from the University of Hawaii, Hilo videoconference room (LRC 361), located on the top floor of the University of Hawaii, Hilo Library Building.

Only the Petitioners and authorized representatives of the Army and the NRC Staff who have entered an appearance pursuant to 10 C.F.R. § 2.314 will be permitted to participate. Due to the limited capacity of the University of Hilo videoconferencing room, each petitioner may only

be accompanied by one individual. The Board will hear only from (1) each petitioner, (2) the Army, and (3) the NRC Staff. No technical expert or member of the public will be permitted to speak for, or on behalf of, any participant.

For the benefit of the public and media, the oral argument will be webstreamed through the Internet. The link for the live webcast will be:

<http://www.visualwebcaster.com/event.asp?id=65044>. The webstream will be available for viewing for up to 90 days after the argument. Additionally, a transcript of the hearing will be available to the public through the ADAMS system on the NRC website.

The oral argument will proceed as follows: First, the Licensing Board Chairman will make an introductory statement. Second, we will hear a short opening statement from each participant, not to exceed five minutes. Third, the Board will hear from each participant in the following order: (1) Ms. Harden; (2) Mr. Albertini; (3) Mr. Harp; (4) Ms. Leonardi; (5) the Army; and (6) the NRC Staff. Each participant will provide answers to the questions posited in the Board's December 17, 2009 order, and endeavor to answer any additional questions asked by the Board during the argument. Fourth, we will hear a short closing statement from each participant, not to exceed five minutes.

For each question in the Board's December 17, 2009 order, participants should provide a direct, complete and concise answer within four minutes. Participants are strongly encouraged to answer in less time. Should it be necessary, the Board may grant a participant additional time to discuss a question, if, in the Board's judgment, such time is required for the Board to fully understand an issue. Absent such a determination, the four-minute time limit will be strictly enforced.

In preparing answers, participants should keep in mind that the Board has read their pleadings. Therefore, participants should not merely repeat what has been submitted in their written pleadings, but should endeavor to provide responsive oral answers to the Board's written questions and other questions asked by the Board during the argument. Participants will not be

permitted to present new or materially different arguments, supporting documentation, or other information at the argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 7, 2010

¹ In addition to being filed through the e-filing system, copies of this order were sent this day by Internet email to: (1) Cory Harden; (2) Jim Albertini; (3) Isaac Harp; (4) Luwella Leonardi; (5) counsel for the U.S. Army; and (6) counsel for the NRC Staff.

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 LB MEMORANDUM AND ORDER (SETTING ORAL ARGUMENT) 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).

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Docket No. 40-9083-ML
LB MEMORANDUM AND ORDER (SETTING ORAL ARGUMENT)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 7th day of January 2010