

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:

U.S. DEPARTMENT OF ENERGY

(High-Level Waste Repository)

Docket No. 63-001-HLW

ASLBP NO. 09-892-HLW-CAB04

May 28, 2010

**STATEMENT OF ORAL ARGUMENT TIME ALLOCATIONS  
FOR OPPONENTS TO DOE'S MOTION TO WITHDRAW**

Pursuant to the Construction Authorization Board's May 18, 2010, Memorandum and Order (Order), counsel for the State of Washington submits the following statement of time allocations. This statement divides argument time among the opponents to the Department of Energy's motion to withdraw with prejudice its license application pending before this Board. As requested in the Order, this statement of time allocations includes the name, affiliation, and opponent represented for each counsel presenting argument.

Counsel for the following opponent parties and proposed intervenors have met and conferred on this statement: Nye County, Nevada; the Four Nevada Counties; White Pine County, Nevada; the Nuclear Energy Institute; Aiken County, South Carolina; State of South Carolina; State of Washington; Prairie Island Indian Community (PIIC); and the National Association of Regulatory Utility Commissioners (NARUC). Counsel for all opponent parties and proposed intervenors have agreed to the below time allocations.<sup>1</sup> In addition, all counsel making argument are coordinating their arguments around topical areas to avoid duplication as much as possible, while preserving the ability of each counsel to fully represent the distinct interests of each client.

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<sup>1</sup> NARUC, which opposes the motion to withdraw, has indicated for logistical reasons that it does not intend to participate in oral argument.

The time allocations below have been allocated conservatively in favor of ensuring sufficient time for each argument.

**Time Allocations:**

<b>Counsel/Affiliation</b>	<b>Affiliation</b>	<b>Opponent Represented</b>	<b>Time Allocation</b>
Andrew A. Fitz	Washington State Office of the Attorney General	State of Washington	45 mins
Don L. Keskey	Public Law Resource Center PLLC	PIIC	10 mins
Thomas R. Gottshall	Haynsworth Sinkler Boyd, P.A.	Aiken County, South Carolina	10 mins
Kenneth P. Woodington	Davidson & Lindemann, P.A.	State of South Carolina	15 mins
Michael A. Bauser	Nuclear Energy Institute	Nuclear Energy Institute	25 mins
Robert List and/or Richard W. Sears	Armstrong Teasdale LLP  White Pine County	Four Nevada Counties of Churchill, Esmeralda, Lander and Mineral  White Pine County, NV	10 mins
Robert M. Andersen	Akerman Senterfitt LLP	Nye County, Nevada	35 mins

DATED this 28th day of May, 2010.

ROBERT M. MCKENNA  
Attorney General

Signed (electronically) by Andrew A. Fitz

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Statement of Oral Argument Time Allocations for Opponents to DOE's Motion to Withdraw have been served upon the following persons by Electronic Information Exchange.

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