

RAS 7809

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 05/20/04

COMMISSIONERS:

SERVED 05/20/04

Nils J. Diaz, Chairman
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

In the Matter of)

LOUISIANA ENERGY SERVICES, L.P.)

(National Enrichment Facility))

Docket No. 70-3103-ML

CLI-04-15

ORDER

In a Notice of Hearing and Commission Order issued earlier this year,¹ we indicated that we would make threshold standing determinations in this case ourselves, and we would refer the petitions of persons with requisite standing to the Atomic Safety and Licensing Board for further adjudicatory proceedings. We also stated that we would determine the admissibility of any contentions associated with environmental justice matters.²

The Commission has received three requests for hearing and petitions to intervene. None involves environmental justice issues. Two requests for hearing are from designated representatives of the State of New Mexico, the state where the proposed Louisiana Energy Services (LES) facility is to be located. Pursuant to 10 C.F.R. § 2.309(d)(2)(i), the two state

¹ CLI-04-03, 59 NRC 10, 13-15 (2004); *see also* 65 Fed. Reg. 5873 (Feb. 6, 2004).

² 59 NRC at 15.

representatives did not need to demonstrate standing, and their petitions for intervention already have been referred to the Licensing Board for appropriate action.³

The sole petition for hearing remaining before us is that of the Nuclear Information and Resource Service (NIRS) and Public Citizen. There appears to be no question as to these petitioners' standing. Both LES and the NRC staff concur that the petitioners have established organizational standing to intervene, given that NIRS and Public Citizen each have identified members who live in close proximity to the proposed LES facility, at distances that might be affected by the construction, operation, or decommissioning of the facility. The Commission therefore grants standing to both NIRS and Public Citizen. The Commission refers the petitioners' hearing request to the Licensing Board for further appropriate action.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of May 2004.

³ See Memorandum to G. Paul Bollwerk, III, From Annette L. Vietti-Cook, Secretary, Re: Request for Hearing by the New Mexico Environment Dept. (April 1, 2004); Memorandum to G. Paul Bollwerk, III, From J. Samuel Walker, Acting Secretary, Re: Request for Hearing Submitted by the Attorney General of New Mexico (April 6, 2004).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER (CLI-04-15) have been served upon the following persons by electronic mail, followed by deposit of paper copies in the U.S. mail, first class, and NRC internal mail.

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COMMISSION ORDER (CLI-04-15)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of May 2004