

RAS 9124

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

DOCKETED 01/07/05

SERVED 01/07/05

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Paul B. Abramson
Dr. Charles N. Kelber

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(National Enrichment Facility)

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

January 7, 2005

MEMORANDUM AND ORDER

(Notice of Hearing and of Opportunity to Make
Oral or Written Limited Appearance Statements)

The Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary hearing to receive testimony and exhibits and allow the **cross-examination of witnesses relating to certain matters at issue in this proceeding regarding the December 2003 application of Louisiana Energy Services, L.P., (LES) for a license under 10 C.F.R. Part 70 to construct and operate a uranium enrichment facility -- the National Enrichment Facility (NEF) -- to be constructed near Eunice, New Mexico.** In addition, the Board gives notice that, in accordance with 10 C.F.R. § 2.315(a), it will entertain oral limited appearance statements from members of the public in connection with this proceeding.

A. Date, Time, and Location of Evidentiary Hearing

The Board will conduct an evidentiary hearing on certain environmental contentions (ECs) relating to this proceeding, currently scheduled to include contentions NIRS/PC EC-1 — Impacts upon Ground and Surface Water; NIRS/PC EC-2 — Impact upon Water Supplies; NIRS/PC EC-4 — Impacts of Waste Storage; NIRS/PC EC-7 — Need for the Facility, beginning

on Monday, February 7, 2005, at 9:30 a.m., in the Lea County Event Center, 5101 Lovington Highway, Hobbs, New Mexico. The hearing on these issues will continue day-to-day until concluded.

The public is advised that, in accordance with 10 C.F.R. § 2.390, part of the sessions regarding each of the contentions may be closed to be public because the matters at issue may involve the discussion of protected information.

B. Date, Time, and Location of Oral Limited Appearance Statement Sessions

These sessions will be on the following date at the specified location and times:

1. DATE: Saturday, February 12, 2005
TIME: Morning Session (if there is sufficient interest) -- 10:00 a.m. to Noon Mountain Standard Time (MST)
LOCATION: Eunice Community Center
1115 Avenue I
Eunice, New Mexico
2. DATE: Saturday, February 12, 2005
TIME: Afternoon Session (if there is sufficient interest) -- 2:00 to 4:00 p.m. MST
LOCATION: Same as Session 1 above

C. Participation Guidelines for Oral Limited Appearance Statements

Any person not a party, or the representative of a party, to the proceeding will be permitted to make an oral statement setting forth his or her position on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence, they nonetheless may help the Board and/or the parties in their consideration of the issues in this proceeding.

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as may be necessary to accommodate the speakers who are present.¹ In this regard, if all scheduled and unscheduled speakers present at a session have made a presentation, the Licensing Board reserves the right to terminate the session before the ending times listed above. The Licensing Board also reserves the right to cancel the Saturday morning and/or afternoon sessions scheduled above if there has not been a sufficient showing of public interest as reflected by the number of preregistered speakers.

The time allotted for each statement normally will be no more than five minutes, but may be further limited depending on the number of written requests to make an oral statement that are submitted in accordance with section D below and/or the number of persons present at the designated times. In addition, although an individual may request an opportunity to speak at more than one session, the Licensing Board reserves the right to defer an additional presentation by the same individual until after it has heard from speakers who have not had an opportunity to make an initial presentation.

Finally, the Board anticipates holding additional oral limited appearance statement sessions in the Hobbs, New Mexico area in conjunction with the evidentiary hearings currently scheduled for October and November 2005. The Board will make further information regarding those sessions available as the time for those hearings draws near.

¹ Any members of the public who plan to attend either the evidentiary hearings or the limited appearance sessions are strongly advised to arrive early to allow time to pass through any security measures that may be employed. Attendees are also requested not to bring any unnecessary hand-carried items, such as packages, briefcases, backpacks, or other items that might need to be examined individually. Items that could readily be used as weapons will not be permitted in the rooms where these sessions will be held. Also, during these sessions, signs no larger than 18" by 18" will be permitted, but may not be attached to sticks, held up, or moved about in the rooms.

D. Submitting a Request to Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must either be mailed, faxed, or sent by e-mail so as to be received by noon EST on Thursday, February 3, 2005. The request must specify the session (morning or afternoon) during which the requester wishes to make an oral statement. Based on its review of the requests received by February 3, 2005, the Licensing Board may decide that the Saturday morning and/or afternoon sessions will not be held due to a lack of adequate interest in those sessions.

Written requests to make an oral statement should be submitted to:

Mail: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: hearingdocket@nrc.gov

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Administrative Judge G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-5599 (verification (301) 415-7405)

E-mail: ksv@nrc.gov and gpb@nrc.gov

E. Submitted Written Limited Appearance Statements

A written limited appearance statement may be submitted to the Board regarding this proceeding at any time. Such statements should be sent to the Office of the Secretary using one of the methods prescribed above, with a copy to the Licensing Board Chairman.

F. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).² Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by e-mail to pdrc@nrc.gov.

G. Scheduling Information Updates

Any updated/revised scheduling information regarding the evidentiary hearing and limited appearance sessions can be found on the NRC website at

² Some documents determined to contain "sensitive" are publicly available only in redacted form; non-sensitive documents are publicly available in their complete form.

www.nrc.gov/public-involve/public-meetings/index.cfm or by calling (800) 368-5642, extension 5036, or (301) 415-5036.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 7, 2005

³ Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant Louisiana Energy Services, Inc.; (2) intervenors New Mexico Environment Department, the Attorney General of New Mexico, and Nuclear Information and Resource Service/Public Citizen; and (3) the NRC staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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LOUISIANA ENERGY SERVICES, L.P.) Docket No. 70-3103-ML
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(National Enrichment Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (NOTICE OF HEARING AND OF OPPORTUNITY TO MAKE ORAL OR WRITTEN LIMITED APPEARANCE STATEMENTS) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
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Washington, DC 20555-0001

Administrative Judge
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Administrative Judge
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Washington, DC 20555-0001

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Docket No. 70-3103-ML
LB MEMORANDUM AND ORDER
(NOTICE OF HEARING AND OF
OPPORTUNITY TO MAKE ORAL OR
WRITTEN LIMITED APPEARANCE STATEMENTS)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of January 2005