

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

DOCKETED 07/15/2005

Before Administrative Judges:

SERVED 07/15/2005

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

July 15, 2005

MEMORANDUM AND ORDER

(Location for Fall 2005 Evidentiary Hearing on Contested Issues)

Under the August 2004 general schedule governing this proceeding, an evidentiary hearing on the remaining admitted contentions is scheduled for October 24, 2005, through November 7, 2005. During the past several months the Licensing Board has been communicating with the parties regarding the duration of these hearings. As reflected in the May 23, 2005, and July 8, 2005 joint reports from the parties, it appears the period needed for these hearings would be approximately six hearing days.

At the same time, the Board has been seeking appropriate hearing space in the vicinity of the proposed site of the National Enrichment Facility (NEF). Unfortunately, the Lea County Event Center (LCEC) in Hobbs, New Mexico, previously used by the Board for a June 2004 initial prehearing conference and the February 2005 evidentiary hearing sessions, is not available during the October-November period scheduled for the hearing. Additionally, the Board's extensive efforts to find existing comparable space in the vicinity during that period have been unsuccessful.

Accordingly, the Board has decided to conduct these evidentiary hearing sessions in one of the Licensing Board Panel's hearing rooms, i.e., in Rockville, Maryland, or Las Vegas, Nevada. In this regard, the Board requests that on or before Friday, July 22, 2005, the parties provide us with a joint report indicating their preference between these two facilities, taking into account the convenience of the witnesses they intend to present during these sessions.¹ If all the parties cannot agree on one of these two locations, the report should indicate each party's preference as between these two locations.

Finally, the Board notes that the August 2004 general schedule indicates that evidentiary sessions associated with the mandatory hearing portion of the proceeding are to be conducted from November 8, 2005, through November 11, 2005. With the difficulty in locating comparable hearing space for the scheduled contested issues hearing during this period and the pendency before the Commission of the certified questions regarding the scope of the mandatory hearing, see LBP-05-7, 61 NRC 188 (2005), the Board has decided to postpone finalizing a date for these mandatory hearing sessions at this time. Following the Commission's ruling on the certified questions, the Board will revisit the issue of scheduling the mandatory

¹ We would note that the Panel's Rockville hearing room can accommodate up to four parties. Thus, use of the Rockville hearing room would be contingent on how the pending motion for approval of a settlement agreement involving intervenors New Mexico Environment Department (NMED) and the Attorney General of New Mexico (AGNM) is resolved.

proceeding. In doing so, if possible, the Board intends to conduct those sessions in the vicinity of the proposed NEF, assuming suitable space can be found.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

July 15, 2005

² Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant Louisiana Energy Services, L.P.; (2) intervenors, NMED, the AGNM, and Nuclear Information and Resource Service/Public Citizen; and (3) the NRC staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (LOCATION FOR FALL 2005 EVIDENTIARY HEARING ON CONTESTED ISSUES) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Rebecca L. Giitter]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of July 2005