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

DOCKETED 08/12/05

SERVED 08/12/05

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

August 12, 2005

MEMORANDUM AND ORDER
(Memorializing Results of Prehearing Conference)

On August 10, 2005, the Licensing Board conducted a telephone prehearing conference with the parties, including representatives of applicant Louisiana Energy Services, L.P., (LES) the NRC staff, and intervenors Attorney General of New Mexico (AGNM), New Mexico Environment Department (NMED), and the Nuclear Information and Resource Service and Public Citizen (NIRS/PC). During the conference, the Board and the parties discussed scheduling for the upcoming evidentiary hearing on contested issues and the mandatory hearing on uncontested matters. As reflected in the transcript of that conference, see Tr. at 1693-1737, the Board addressed those matters as follows:

A. Mandatory Hearing Schedule

In accord with the process suggested by LES and the staff in a July 2004 joint report on hearing procedures, the Board establishes the following schedule for the conduct of the mandatory hearing:

LES and Staff Executive Summaries of Key Areas of Review and Staff Findings, including references to final Staff review documents (i.e., the final Safety

Friday, September 16, 2005

Evaluation Report (SER) and Environmental Impact
Statement (EIS))

Prehearing Conference to Discuss Key Issues and Wednesday, January 11, 2006
Scope of the Evidentiary Presentations

Board Written Questions/Areas of Concern Regarding Staff Findings	Friday, January 27, 2006
LES and Staff Prefiled Testimony for Evidentiary Presentations	Monday, February 27, 2006
Evidentiary Presentations (Hobbs, New Mexico area) ¹	Monday, March 6 through Wednesday, March 8, 2006
LES and Staff Proposed Findings of Fact and Conclusions of Law	Monday, April 10, 2006
Board Partial Initial Decision on Uncontested Issues	Monday, June 12, 2006

B. Documentary Materials Associated with the Mandatory Hearing

On or before Friday, September 16, 2005, LES and/or the staff are to provide the Board
Chairman with two hard copies of the following documents regarding the LES application for
authorization to construct and operate its proposed National Enrichment Facility:

1. LES Safety Analysis Report (SAR)
2. LES Integrated Safety Analysis (ISA) Summary
3. Staff Requests for Additional Information (RAIs) and LES RAI Responses
4. Reports, memoranda, or other official records, if any, regarding ACRS review of
the LES Application (see Tr. at 1709-10)

C. Contested Hearing Location and Schedule

For the reasons outlined by the Board during the prehearing conference, see Tr.
at 1720-24, at it is the Board's current intent to conduct the evidentiary sessions regarding the
remaining contested issues in this proceeding beginning on Monday, October 24, 2005, in the

¹ In conjunction with the mandatory hearing evidentiary presentations, the Board
contemplates conducting limited appearance sessions pursuant to 10 C.F.R. § 2.315(a).

Licensing Board Panel hearing room located on the third floor of the agency's Two White Flint North headquarters building.² The parties have estimated that these hearings will require three to four days. The dates for party prehearing submissions remain in effect as established in the August 2004 general schedule. As a result of the revised evidentiary hearing duration estimate, post-hearing filings dates are modified as follows:

Proposed Findings of Fact and Conclusions of Law Wednesday, November 30, 2005

Reply Findings of Fact and Conclusions of Law Friday, December 23, 2005

Licensing Board Partial Initial Decision Friday, February 24, 2005

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 12, 2005

² As the Board discussed with the parties, they should advise us by mid-September 2005 if they have been able to reach some accommodation regarding the use of proprietary information such that, as compared to the circumstances described in their August 4, 2005 report to the Board, a significantly greater percentage of the hearing would be open to the public.

³ Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (2) intervenors NMED, the AGNM, and NIRS/PC; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (MEMORIALIZING RESULTS OF PREHEARING CONFERENCE) 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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Docket No. 70-3103-ML
LB MEMORANDUM AND ORDER (MEMORIALIZING
RESULTS OF PREHEARING CONFERENCE)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of August 2005