

RAS 10587

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

DOCKETED 10/14/05

SERVED 10/14/05

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

October 14, 2005

MEMORANDUM AND ORDER
(Additional Administrative Matters
Relative to October 2005 Evidentiary Hearing)

With an evidentiary hearing scheduled in this proceeding in late October, the Licensing Board takes this opportunity to reiterate and provide further information relative to various administrative matters:

1. Hearing Schedule. The first hearing session will begin on Monday, October 24, 2005, at 9:30 a.m. Eastern Time (ET), and at 9:00 a.m. ET each day thereafter. We will begin the hearing with a brief public session during which each party will have the opportunity to make an opening statement of 15 minutes that presents a summary of that party's anticipated evidentiary presentations/proof relative to each of the four subject areas and associated contentions at issue.¹ The order of party statements will be applicant Louisiana Energy

¹ At issue in this hearing are the remaining admitted contentions in this proceeding: NIRS/PC Environmental Contention (EC)-3/Technical Contention (TC)-1, Depleted Uranium Hexafluoride Storage and Disposal; NIRS/PC EC-5/TC-2, Decommissioning Costs; and NIRS/PC EC-6/TC-3, Costs of Management and Disposal of Depleted UF6. Due to overlap of subject matters among the contentions, however, evidentiary presentations will be made on the following subject areas (rather than by contention) and in the following order: (1) plausibility
(continued...)

Services, L.P., (LES) followed by the NRC staff, followed by intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC). Party evidentiary presentations relative to each of the previously identified subject matter areas will follow the same order. Although the parties have indicated they anticipate the evidentiary hearing can be concluded in three to four days, they should be prepared both to accelerate the hearing schedule as well as accommodate any extensions, and for the possibility that any given daily hearing schedule might be extended into the early evening if doing so would facilitate the completion of presentations relative to a particular subject area.

Following the initial open session, the hearing will proceed in closed session to allow for the presentation of certain information purported to be proprietary to LES. Presentations on the fourth identified subject area to be litigated in this hearing (contingency factor) will, however, be conducted in public session, as will a brief discussion (immediately following the conclusion of party presentations on contested issues) between the Board, LES, and the staff regarding the upcoming mandatory hearing in this proceeding. Updates regarding the timing of this public session will be provided to the public via a recorded message available by calling (800) 368-5642, extension 5036, or (301) 415-5036.

2. Correction to October 13, 2005 Memorandum and Order. In the Board's October 13 memorandum and order regarding LES and staff motions in limine relative to certain NIRS/PC prefiled exhibits, there is a typographical mistake that requires correction. Page two, line six of that order should read "which NIRS/PC asserts are incorporated" rather than "which LES asserts are incorporated."

¹(...continued)

and estimated cost of deconversion of depleted uranium (DU) (contentions EC-3/TC-1, EC-5/TC-2, and EC-6/TC-3); (2) estimated cost of transportation of DU (EC-5/TC-2); (3) plausibility and estimated cost of disposal of DU (EC-5/TC-2 and EC-6/TC-3); and (4) the contingency factor applied by LES to its overall DU dispositioning cost estimate (EC-5/TC-2).

3. Additional Information. The Licensing Board intends to transmit to the parties via electronic mail further information regarding certain administrative and logistical matters in connection with the upcoming hearing, including access to the NRC hearing room and associated party conference rooms and party attendance lists. If counsel for the parties do not receive such an email by 5:00 p.m. ET today, please contact Board law clerk Bethany Engel at ble@nrc.gov or (301) 415-6804.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 14, 2005

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

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NUCLEAR REGULATORY COMMISSION

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(National Enrichment Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (ADDITIONAL ADMINISTRATIVE MATTERS RELATIVE TO OCTOBER 2005 EVIDENTIARY HEARING) 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 (ADDITIONAL
ADMINISTRATIVE MATTERS RELATIVE TO
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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of October 2005