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

DOCKETED 02/16/06

SERVED 02/16/06

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

February 16, 2006

MEMORANDUM AND ORDER
(Post-Hearing Administrative Matters)

On February 13, 2006, the Licensing Board conducted a one-day evidentiary hearing session regarding two discrete contested cost issues raised in conjunction with safety contentions admitted in this proceeding. The Board provides the following administrative directives relative to that recently-concluded hearing session:

A. Hearing Transcript and Exhibits

1. Transcript and Exhibit Corrections. The parties should review the transcript of this evidentiary hearing session and provide the Board with any substantive transcript corrections on or before Friday, February 24, 2006. By this date, the parties should also inform the Board whether the exhibits submitted at the evidentiary hearing require any correction, e.g., renumbering of exhibits.

2. Redaction of Proprietary Information. At the conclusion of the February 13 evidentiary hearing session, counsel for applicant Louisiana Energy Services, L.P., (LES) indicated to the Board that he would attempt in short order to confer with counsel for intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC) and the

NRC staff regarding the process for presenting the Board with proposed redactions to the transcript and evidentiary materials for the closed hearing session so that the transcript and evidentiary materials can be made publicly available. See Tr. at 3495-96. Accordingly, the parties should file with the Board on or before Friday, February 24, 2006, a joint report outlining, at a minimum, the parties' proposed schedule for dealing with the redaction of allegedly proprietary information from the transcript of the closed hearing session and associated proprietary exhibits.

3. Status of Evidentiary Record. As the Board indicated at the conclusion of the February 13 hearing session, although the record of that evidentiary session (as well as the record of the preceding October 2005 evidentiary hearing) remains open pending Board determinations regarding corrections to and/or redaction of the transcript and exhibits from that session, if any, see Tr. at 3496-97, it will move to close the record, as appropriate,¹ once these matters have been addressed.

B. Schedule for Party Filings

1. Proposed Findings of Fact/Conclusions of Law. Pursuant to the schedule established by the Board in its January 11, 2006 memorandum and order, see Licensing Board Memorandum and Order (Schedule for Supplemental Proposed Findings of Fact and Conclusions of Law; Modification of Date for Prehearing Conference) (Jan. 11, 2006) at 1 (unpublished), party proposed findings of fact and conclusions of law should be filed on or

¹ In this regard, staff counsel expressed concern that the hearing record remain open at least until Board resolution of pending cross-motions for summary disposition by the staff and NIRS/PC with regard to certain matters related to contention NIRS/PC EC-4 – Impacts of Waste Storage and Disposal. See Tr. at 3497. The Board noted that, if necessary, it could close the record as to all other contested matters, but keep it open with regard to matters related to contention NIRS/PC EC-4. See id.

before Wednesday, March 1, 2006, with reply findings of fact and conclusions of law due on or before Friday, March 17, 2006.²

2. Responses to NIRS/PC Motion for Leave to Participate in Mandatory Hearing. As the Board noted at the February 13 hearing session, any party responses to the February 10, 2006 NIRS/PC motion for leave to participate in certain issues scheduled for the March 2006 mandatory hearing portion of this proceeding should be filed on or before Tuesday, February 21, 2006. See Tr. at 3277-78, 3495.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 16, 2006

² In drafting their respective supplemental proposed findings of fact and conclusions of law, parties should bear in mind the Board's concern that the filings remain concise statements of the parties' respective positions on the two discrete cost matters at issue in the context of the February 13 evidentiary hearing session. In this regard, the parties should indicate in their supplemental findings which of their findings and reply findings proffered in the context of the October hearing sessions regarding the two cost issues are (or are not) still operative and provide any new or revised findings to reflect the evidence adduced at the hearing, bearing in mind that this is not an opportunity for any party to raise matters outside the scope of the two narrow cost issues before the Board.

³ 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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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (POST-HEARING ADMINISTRATIVE MATTERS) 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 (POST-HEARING
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of February 2006