

**RAS 11183**

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

**DOCKETED 02/17/06**

**SERVED 02/17/06**

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 17, 2006

MEMORANDUM AND ORDER  
(Regarding Update to Mandatory  
Hearing-Related Document Production)

On August 12, 2005, the Licensing Board requested that the NRC staff and applicant Louisiana Energy Services, L.P., (LES) provide the Board for its review certain mandatory hearing-related documentary materials, see Licensing Board Memorandum and Order (Memorializing Results of Prehearing Conference) (Aug. 12, 2005) at 2 (unpublished), and subsequently clarified certain matters related to that document production at the request of LES and the staff, see Licensing Board Memorandum and Order (Response to Joint Motion for Clarification Regarding Mandatory Hearing-Related Materials) (Sept. 7, 2005) (unpublished). Following the production of the requested documents in approximately mid-September 2005, the Board held three separate dialogues with LES and the staff relative to several matters the Board asked those parties to address in the context of the mandatory hearing, see Tr. at 3167-76, 3180-3213, 3214-54; see also Licensing Board Memorandum and Order (Administrative Matters Relative to Mandatory Hearing) (Feb. 8, 2006) at 2 n.1 & attach. A

(unpublished); Licensing Board Memorandum and Order (Memorializing Board Questions/Areas of Concern for Mandatory Hearing) (Jan. 30, 2006) (unpublished).

The Board now requests that on or before Monday, February 27, 2006, LES and the staff provide the Board with any updates to those documents and/or classes of documents specifically requested by the Board in its August 12 and September 7 issuances, e.g., any staff Requests for Additional Information (RAIs) or LES RAI responses.

In addition to those document/classes of documents previously requested, given the statements by the staff at the February 13, 2006 evidentiary hearing session in this proceeding, to the effect that the staff is continuing to review the Department of Energy (DOE) cost estimate for dispositioning depleted uranium from the proposed National Enrichment Facility, by that same date the staff and/or LES should provide to the Board any documents related to the staff's review of the DOE cost estimate that have not previously been provided to the Board, including but not limited to any additional RAIs or RAI responses.

As a related matter, the Board also directs that, on or before Monday, February 27, 2006, the staff submit for the record relative to the mandatory hearing copies of the three document lists provided to the Board in connection with the September 2005 mandatory hearing-related document production.<sup>1</sup> Those three document lists should be revised to include any documents provided to the Board in connection with the document production update requested above.

Finally, as the Board indicated at the February 13 hearing session, see Tr. at 3270, as soon as is practicable, but in any event by Monday, February 27, 2006, the staff should provide

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<sup>1</sup> Those three lists are entitled: (1) LES ASLB Mandatory Disclosure Documents; (2) LES Mandatory Hearing Submittal Index – September 16, 2005; and (3) Louisiana Energy Services - Docket #07003103, Mandatory Disclosure File, Requests for Additional Information.

the Board with a written report indicating by what date, or under what specific timeline, the staff anticipates completing its review relative to the DOE deconversion cost estimate.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

*/RA/*

G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 17, 2006

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<sup>2</sup> Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (2) intervenors Nuclear Information and Resource Service/Public Citizen; (3) the New Mexico Environment Department and the Attorney General of New Mexico; and (4) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 (REGARDING UPDATE TO MANDATORY HEARING-RELATED DOCUMENT PRODUCTION) 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  
(REGARDING UPDATE TO MANDATORY  
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[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 17<sup>th</sup> day of February 2006