

RAS 11333

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

DOCKETED 03/13/06

SERVED 03/13/06

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

March 13, 2006

MEMORANDUM AND ORDER
(Post-Mandatory Hearing Administrative Matters)

On March 6, 2006, the Licensing Board held a one-day mandatory evidentiary hearing with applicant Louisiana Energy Services, L.P. (LES) and the NRC staff regarding certain uncontested issues in this proceeding. The Board provides the following administrative directives relative to that recently-concluded hearing:

1. Hearing Transcript and Exhibit Corrections. The parties should review the transcript of this evidentiary hearing and provide the Board with any substantive transcript corrections on or before Monday, March 20, 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. Thereafter, any objections to proposed transcript corrections shall be filed on or before Friday, March 24, 2006.

2. Staff Purpose and Need Testimony. Staff witness Rick Nevin, in conjunction with witness James Park, submitted prefiled testimony relative to the purpose and need for the proposed LES facility. Because Mr. Nevin was unable to attend the March 6 evidentiary hearing, the Board indicated during the hearing that the staff should supplement the record with

an affidavit from Mr. Nevin in support of his written testimony. See Tr. at 3655-56. Accordingly, on or before Monday, March 20, 2006, the staff should provide for the record an affidavit by Mr. Nevin indicating whether he affirms his portion of the staff's written testimony adopted into the record of this proceeding on March 6, 2006.

3. Proposed Findings of Fact/Conclusions of Law. Pursuant to the general schedule for the mandatory hearing established by the Board in its August 12, 2005 memorandum and order, see Licensing Board Memorandum and Order (Memorializing Results of Prehearing Conference) (Aug. 12, 2005) at 2 (unpublished), party proposed findings of fact and conclusions of law should be provided to the Board and the other party on or before Monday, April 10, 2006. As the Board noted at the mandatory hearing, see Tr. at 3684, at this juncture it does not appear that reply findings of fact and conclusions of law will be necessary to assist the Board in making its findings.

4. Staff Mandatory Hearing Document Indexes. In a February 17, 2006 memorandum and order, the Board requested, among other things, that the staff submit for the record of the mandatory hearing copies of three document lists previously provided to the Board in hard copy in connection with its September 2005 mandatory hearing-related document production, revised to include any documents produced after that initial document production.¹ While the staff provided the Board with what appears to be an updated "master" index, entitled "LES ASLB Mandatory Disclosure Documents," and explained that the list entitled "LES Mandatory Hearing Submittal Index – September 16, 2005" had been incorporated into that master index, the Board still requires that the staff provide a copy of the third RAI-related index for the record related to the mandatory hearing, revised to include any RAIs and/or responses since the

¹ 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.

September 2005 submittal. This RAI-related index shall be provided on or before Monday, March 20, 2006.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

Original Signed by
G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 13, 2006

² 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.

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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-MANDATORY 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-MANDATORY
HEARING ADMINISTRATIVE MATTERS)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 13th day of March 2006