

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

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Kaye D. Lathrop  
Dr. Craig M. White

In the Matter of
AREVA ENRICHMENT SERVICES, LLC
(Eagle Rock Enrichment Facility)

Docket No. 70-7015-ML

ASLBP No. 10-899-02-ML-BD01

January 7, 2011

MEMORANDUM

(Limited Appearance Statements Relative to  
Portion of Mandatory Hearing Regarding Safety Matters)

In this 10 C.F.R. Part 70 proceeding regarding the application of AREVA Enrichment Services, LLC, (AES) for authorization to construct and operate the Eagle Rock Enrichment Facility in Bonneville County, Idaho, in a January 5, 2011 e-mail to the Licensing Board Chairman, the Snake River Alliance (SRA) has requested clarification regarding the submission of limited appearance statements in conjunction with the upcoming evidentiary hearing on the portion of the mandatory hearing for this proceeding concerning Atomic Energy Act (AEA)-related safety matters.<sup>1</sup> See E-Mail from Liz Woodruff, Energy Policy Analyst, SRA, to G. Paul Bollwerk, III, NRC Administrative Judge & Stephen Lemont, Senior Project Manager, NRC Office of Federal and State Materials and Environmental Management Programs (Jan. 5, 2011,

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<sup>1</sup> As the Board has indicated previously, following issuance of the NRC staff's final environmental impact statement (currently scheduled for February 2011), the Board may conduct an additional mandatory hearing evidentiary session regarding National Environmental Policy Act (NEPA)-related issues. See Licensing Board Memorandum and Order (Initial General Schedule; Revision to Uncontested/Mandatory Hearing Procedures; Inviting Written Limited Appearance Statements and Participation by Interested Governmental Entities) (Oct. 7, 2010) app. A, at 3 (unpublished).

06:29 p.m. EST) (ADAMS Accession No. ML110060597). That hearing currently is scheduled to begin on Tuesday, January 25, 2011, at the Licensing Board Panel's hearing room in Rockville, Maryland.

Relative to limited appearance statements, as the Board noted in its recent notice regarding that hearing:

As provided in 10 C.F.R. § 2.315(a), any person not a party, or the representative of a party, to the proceeding may submit a written statement setting forth his or her position on matters of concern relating to this proceeding. The Board would particularly encourage such statements regarding the matters addressed in the staff's final Safety Evaluation Report (SER) (Office of Nuclear Materials Safety and Safeguards, NRC, NUREG-1951, [SER] for the [EREF] in Bonneville, County, Idaho at 10-7 (Sept. 2010) (ADAMS Accession No. ML102710296)). Although these statements do not constitute testimony or evidence, they nonetheless may help the Board or the parties in their consideration of the issues in this proceeding.

\* \* \* \* \*

Although the Board does not intend to conduct oral limited appearance sessions at this juncture, at a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the proposed EREF. Notice of any oral limited appearance sessions will be published in the Federal Register and may be made available to the public at the NRC's Public Document Room or on the NRC's website, [www.nrc.gov](http://www.nrc.gov).

Notice of Hearing (Notice of Evidentiary Hearing and Opportunity to View Hearing via Webstreaming; Opportunity To Submit Written Limited Appearance Statements), 76 Fed. Reg. 387, 388 (Jan. 4, 2011). The notice also provides detailed information outlining how to submit a limited appearance statement. See id.

To the degree the SRA, or any other person or entity, has comments that it wishes the Board and AES and the staff, as the parties to this proceeding, to consider in conjunction with the safety-related portion of the mandatory hearing that is scheduled to begin on January 25, 2011, those comments should be submitted in writing sufficiently in advance of the hearing so

that the Board and the parties have time to review and consider the comments prior to the hearing.

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

/RA/

G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

January 7, 2011

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<sup>2</sup> In addition to being served via the agency's E-Filing system on counsel for AES and the staff, as the representatives of the parties to this mandatory hearing proceeding, this memorandum was sent by e-mail this date to SRA representative Liz Woodruff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
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AREVA ENRICHMENT SERVICES, LLC	)	DOCKET NO. 70-7015-ML
(Eagle Rock Enrichment Facility)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM (Limited Appearance Statements Relative to Portion of Mandatory Hearing Regarding Safety Matters) dated January 7, 2011, have been served upon the following persons by Electronic Information Exchange.

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AREVA ENRICHMENT SERVICES, LLC (Eagle Rock Enrichment Facility) – 70-7015-ML  
MEMORANDUM (Limited Appearance Statements Relative to Portion of Mandatory Hearing  
Regarding Safety Matters)

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[Original signed by Christine M. Pierpoint]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 7<sup>th</sup> day of January 2011