

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

March 30, 2011

MEMORANDUM AND ORDER
(Updated General Schedule)

I. Revised General Schedule

In an October 2010 issuance, the Licensing Board outlined an initial general schedule for conducting the uncontested/mandatory hearing process for this 10 C.F.R. Part 70 proceeding. 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Inviting Written Limited Appearance Statements and Participation by Interested Governmental Entities) (Oct. 7, 2010) (unpublished). That memorandum and order provided a detailed schedule relative to the Board's consideration of Atomic Energy Act (AEA)/safety-related matters. The issuance was not specific, however, about the schedule for the portion of this proceeding that concerns National Environmental Policy Act (NEPA)/environmental matters because the trigger point for that part of the schedule -- the specific date for issuance of the NRC staff's final environmental impact statement (FEIS) -- was uncertain. With the NRC staff's February 14, 2011 public release of its FEIS for applicant AREVA Enrichment Services, LLC's (AES) proposed Eagle Rock Enrichment Facility (EREF), the Board can provide specific dates and deadlines that will govern the

NEPA/environmental-related portion of this uncontested/mandatory hearing, which are set forth in an updated version of the general schedule for this proceeding that is included as Appendix A to this issuance.*

In setting that schedule, we note that the one set of specific hearing-related dates previously provided in a Board order were the “hold” dates for the AEA/safety-related and NEPA/environmental-related evidentiary hearings, which were based on the parties’ representations regarding their availability. For the NEPA/environmental-related hearing, these included periods in mid- to late-June 2010 and mid-July 2011. See Licensing Board Order (Setting Aside Hold-Dates for Mandatory Hearings) (June 30, 2010) at 2 (unpublished). To maximize the possibility of including in this evidentiary hearing session any further proceedings that might be necessary relative to the question recently certified to the Commission by the Board regarding decommissioning financial assurance, see Licensing Board Memorandum (Certifying Question to the Commission Regarding Decommissioning Financial Assurance) (Feb. 18, 2011) (unpublished), for any evidentiary presentations regarding the NEPA/environmental-related portion of this uncontested/mandatory hearing we will utilize the dates set aside during the week of July 11, 2011.

Although the Board will not be in a position to specify the duration of the hearing until it sees the AES and staff responses to the questions it poses pursuant to the attached general schedule, the Board advises the parties that it intends to conduct the NEPA/environmental-related portion of the proceeding beginning on Tuesday, July 12, 2011, in conference space in the Red Lion Hotel, 475 River Parkway, Idaho Falls, Idaho. In addition, the parties should be aware that the Board intends to conduct 10 C.F.R. § 2.315(a) oral limited

* In addition to outlining the dates relating to the NEPA/environmental-related hearing, the schedule also has been updated to reflect the actual dates associated with the AEA/safety-related portion of the proceeding.

appearance sessions during the afternoon of Sunday, July 10, 2011, and the evening of Monday, July 11, 2011, at the Bennion Student Union Multipurpose Room, University Place, Idaho Falls, Idaho. Additional information regarding the times and procedures associated with those limited appearance sessions will be provided in a future Board notice. Also, as was noted during the January 25, 2011 evidentiary hearing session on AEA/safety-related matters, see Tr. at 269-70, the Board would appreciate the opportunity to visit the EREF site. If possible, the Board would like to conduct this site visit on the morning of Monday, July 11, 2011.

II. Participation by Interested Governmental Entities (IGEs)

In a notice issued on February 24, 2011, the Licensing Board outlined the initial filing schedule and procedures that apply if any interested State, local governmental body, or affected, federally-recognized Indian Tribe wishes to participate in the NEPA/environmental-related portion of the uncontested/mandatory hearing in this proceeding. See Licensing Board Notice of Opportunity to Participate in Uncontested/Mandatory Hearing (Procedures for Participation by Interested Governmental Entities Regarding Environmental Portion of Enrichment Facility Licensing Proceeding), 76 Fed. Reg. 11,523, 11,532 (Mar. 2, 2011). Additional scheduling milestones associated with such participation are set forth in the revised general schedule included as Appendix A to this issuance.

APPENDIX A

Revised: March 30, 2011

GENERAL SCHEDULE -- AREVA Enrichment Services, LLC Mandatory Hearing Proceeding

I. Pre-Final Safety Evaluation Report (SER)/Final Environmental Impact Statement (EIS) Issuance Events	Mandatory Hearing: Safety/SER-Related Issues	Mandatory Hearing: Environmental/EIS-Related Issues
Commission Notice of Hearing (CLI-09-15/74 Fed. Reg. 38,052)	July 23, 2009/July 30, 2010	July 23, 2009/July 30, 2010
Commission Mandatory Hearing Referral Memorandum	Mar. 17, 2010	Mar. 17, 2010
Licensing Board Established	Mar. 26, 2010	Mar. 26, 2010
Initial Prehearing Conference	May 4, 2010	May 4, 2010
Initial Scheduling Order	May 19, 2010	May 19, 2010
Scheduling Order Establishing "Hold" Dates for Hearing Sessions	June 30, 2010	June 30, 2010
Draft EIS Issued	N/A	July 21, 2010

II. Post-Final SER/Final EIS Issuance Events	Mandatory Hearing: Safety/SER-Related Issues	Mandatory Hearing: Environmental/EIS- Issues
Final SER Issued	Sept. 30, 2010	
Board Issues Notice Regarding Interested Governmental Entity (IGE) Participation Regarding Safety/SER-Related Portion of Mandatory Hearing (75 Fed. Reg. 63,213)	Oct. 7, 2010	
IGEs Provide Input Regarding Safety/SER-Related Portion of Mandatory Hearing	Nov. 12, 2010	
Board Issues Written Questions re Final SER	Nov. 12, 2010	
Board Issues Supplemental Written Questions Based on IGE Input	Nov. 19, 2010	
Parties File Answers to Written Questions re Final SER	Nov. 29, 2010	
Parties File Answers to Supplemental Written Questions Based on IGE Input	Dec. 6, 2010	
Board Issues Order Designating Subjects for Presentations at Safety/SER - Related Mandatory Hearing Session	Dec. 17, 2010	
Parties File Written Presentations and Supporting Exhibits re Safety/SER-Related Issues	Jan. 14, 2010	
Board Request for IGE Participation in Mandatory Hearing Session on Safety/SER-Related Issues	Jan. 13, 2010	
Mandatory Hearing Session on Safety/SER-Related Issues	Jan. 25, 2010	
Record Closes for Mandatory Hearing Session on Safety/SER-Related Issues	Feb. 18, 2011	
Proposed Findings of Fact/Conclusions of Law Due	Feb. 25, 2011	
Board Partial Initial Decision (PID) on Safety/SER-Related Issues	Apr. 8, 2011	
Final EIS Issued		Feb. 14, 2011
Board Issues Notice Regarding IGE Participation in Environmental/EIS-Related Portion of Mandatory Hearing (76 Fed. Reg. 11,523)		Feb. 24, 2011
IGEs Provide Input Regarding Environmental/EIS-Related Portion of Mandatory Hearing		Apr. 4, 2011
Board Issues Written Questions re Final EIS		Apr. 22, 2011

II. Post-Final SER/Final EIS Issuance Events	Mandatory Hearing: Safety/SER-Related Issues	Mandatory Hearing: Environmental/EIS- Issues
Parties File Answers to Written Questions re Final EIS		May 13, 2011
Board Issues Order Designating Subjects for Presentations at Environmental/EIS-Related Mandatory Hearing Session		June 3, 2011
Parties File Presentations and Supporting Exhibits re Environmental/EIS-Related Issues		June 24, 2011
Board Request for IGE Participation in Mandatory Hearing Session on Environmental/EIS-Related Issues		July 1, 2011
Mandatory Hearing Session on Environmental/EIS-Related Issues		July 12-14, 2011
Record Closes for Mandatory Hearing Session on Environmental/EIS-Related Issues		July 29, 2011
Proposed Findings of Fact/Conclusions of Law Due		Aug. 12, 2011
Board PID on Environmental/EIS-Related Issues		Sept. 23, 2011
Commission Deadline for Board Final PID on Mandatory Hearing-Related Issues	Nov. 15, 2011	Nov. 15, 2011

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NUCLEAR REGULATORY COMMISSION

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AREVA ENRICHMENT SERVICES, LLC) DOCKET NO. 70-7015-ML
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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Licensing Board **MEMORANDUM AND ORDER (Updated General Schedule)**, dated March 30, 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
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[Original signed by Linda D. Lewis] _____
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 30th day of March 2011