

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

July 7, 2011

MEMORANDUM AND ORDER
(Request for Additional Views Regarding Site Visit Request)

In a July 6, 2011 memorandum and order, the Licensing Board asked for the views of applicant AREVA Enrichment Services, LLC, (AES) and the NRC staff regarding a July 5, 2011 request by the Snake River Alliance (SRA) to attend a planned July 11, 2011 visit by the Board and AES and the staff, as the parties to this mandatory hearing, to the site of the proposed Eagle Rock Enrichment Facility and its environs. See Licensing Board Memorandum and Order (Schedule for Comments on Request to Attend Site Visit) (July 6, 2011). In its July 6 response, the NRC staff indicated it had no objection to the SRA request. See NRC Staff Response to Atomic Safety and Licensing Board Memorandum and Order Dated July 6, 2011 (July 6, 2011) at 1 (unpublished). AES, on the other hand, asserted that Commission precedent, specifically language in the Commission's decision in Exelon Generation Co., LLC (Early Site Permit for Clinton ESP Site), CLI-05-17, 62 NRC 5, 49-50 (2005), essentially bars the Board from granting the SRA request to attend the site visit. See Comments on Request to Attend Site Visit (July 6, 2011) at 2-3.

In light of the AES and staff responses, the Board requests that on or before 10:00 a.m. Eastern Time on Friday, July 8, 2011, the staff and SRA provide the Board with their views regarding whether the Commission's Clinton ESP decision cited by AES bars the Board from granting the SRA request.

In addition to service of this issuance via the agency's E-Filing system, the Board requests that the Office of the Secretary e-mail a copy of this issuance to SRA at the addresses provided in SRA's July 5, 2011 e-mail. Also, the Board requests that (1) the staff, in addition to submitting its response to the July 6 AES comments via the E-Filing system, e-mail its response to SRA at the same addresses; and (2) SRA e-mail any response to hearingdocket@nrc.gov, as well as the e-mail addresses for the Board, AES, and the staff that are set forth in the certificate of service that accompanies this issuance.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

July 7, 2011

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)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Licensing Board **MEMORANDUM AND ORDER (Request for Additional Views Regarding Site Visit Request)**, dated July 7, 2011, have been served upon the following persons by Electronic Information Exchange. In addition, a copy has been sent via e-mail to Snake River Alliance at the address provided in the July 5, 2011 e-mail from Liz Woodruff.

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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 7th day of July 2011