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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD '94 MAR -1 P 3:12

OFFICE OF SECRETARY
GENERAL & ADMIN
NRC

In the Matter of)	
)	
Louisiana Energy Services, L.P.)	Docket No. 70-3070-ML
)	
(Claiborne Enrichment Center))	
)	

NRC STAFF'S ANSWER TO "MOTION BY CITIZENS
AGAINST NUCLEAR TRASH FOR LEAVE TO FILE A REPLY
TO LES'S AND THE NRC STAFF'S ANSWER TO THE
FIRST SUPPLEMENT TO CONTENTIONS ON THE
CONSTRUCTION PERMIT/OPERATING LICENSE APPLICATION
FOR THE CLAIBORNE ENRICHMENT CENTER"

INTRODUCTION

On January 18, 1994, Intervenor Citizens Against Nuclear Trash ("CANT") filed its "First Supplement to Contentions on the Construction Permit/Operating License Application for the Claiborne Enrichment Center" ("Supplemental Contentions"), containing CANT's Supplemental Contentions T, U, and W. On January 31, 1994, Applicant Louisiana Energy Services ("LES") filed its answer to CANT's Supplemental Contentions. On February 4, 1994, the NRC staff ("Staff") filed its answer to the Supplemental Contentions. On February 11, 1994, CANT withdrew Contentions T and U, filed a motion for leave to file a reply to the answers filed by LES and the Staff, and filed a reply to the answers filed by LES and the Staff regarding Contention W. Pursuant to 10 C.F.R. § 2.730(c), the Staff hereby files its answer to CANT's motion for leave to file a reply.

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DISCUSSION

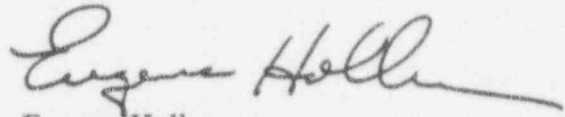
LES and the Staff each opposed the admission of Contention W in their respective answers to CANT's January 18, 1994, Supplemental Contentions. The regulations do not explicitly deal with the filing of a reply to answers opposing the admission of new contentions which are filed pursuant to 10 C.F.R. § 2.714(b)(2)(iii). See 10 C.F.R. § 2.714(b) and (c). It is well established, however, that before any decision on the admissibility of any contention in an NRC licensing proceeding, the proponent of the contention must be given the opportunity to be heard in response to any opposition to the contention. *Houston Lighting And Power Company* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-565, 10 NRC 521, 524 (1979); *Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), LBP-81-18, 14 NRC 71, 73 (1981). In view of the foregoing, the Staff does not oppose CANT's motion for leave to reply to the answers filed by the Staff and Applicant opposing the admission of Contention W.¹

¹ The NRC staff ("Staff") will not move for leave to file a further reply to CANT's February 11, 1994, reply. The Staff continues to oppose the admission of Contention W for the reasons stated in its February 4, 1994, answer to CANT's Supplemental Contentions.

CONCLUSION

For the reasons discussed above, the Staff does not oppose CANT's motion for leave to reply to the answers filed by the Staff and Applicant opposing the admission of Contention W.

Respectfully submitted,



Eugene Holler
Counsel for NRC Staff



Richard G. Bachmann
Counsel for NRC Staff

Dated at Rockville, Maryland
this 28th day of February, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'94 MAR -1 P3:12

In the Matter of)
)
LOUISIANA ENERGY SERVICES, L.P.) Docket No. 70-3070-ML
)
(Claiborne Enrichment Center))

OFFICE OF SECRETARY
OPERATING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER TO 'MOTION BY CITIZENS AGAINST NUCLEAR TRASH FOR LEAVE TO FILE A REPLY TO LES'S AND THE NRC STAFF'S ANSWER TO THE FIRST SUPPLEMENT TO CONTENTIONS ON THE CONSTRUCTION PERMIT/OPERATING LICENSE APPLICATION FOR THE CLAIBORNE ENRICHMENT CENTER'" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 28th day of February, 1994:

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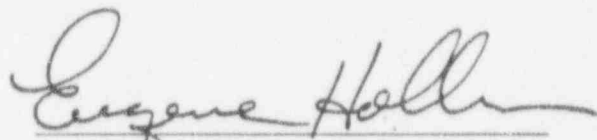
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