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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

Morton B. Margulies, Chairman  
Richard F. Cole  
Frederick J. Shon

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of  
  
Louisiana Energy Services, L.P.  
(Claiborne Enrichment Center)

Docket No. 70-3070-ML  
  
ASLBP No. 91-641-02-ML  
  
(Special Nuclear  
Materials License)

March 28, 1994

SERVED MAR 29 1994

RULING ON LOUISIANA ENERGY SERVICES'  
MOTION PROPOSING A SITE VISIT  
BY THE PARTIES

Before us is a motion, dated February 15, 1994, by Applicant Louisiana Energy Services, L.P. (LES) proposing a site visit to comparable Urenco facilities in Europe by the Licensing Board and representatives of the parties. In an answer to the motion, dated March 7, 1994, Nuclear Regulatory Staff (Staff) opposes the motion. Intervenor Citizens Against Nuclear Trash (CANT) did not respond to the motion but in the past has opposed the proposal.<sup>1</sup>

<sup>1</sup>In the "Parties' January 18, 1994 Joint Progress Report" Intervenor opposed a site visit raising the matter of a lack of financial means.

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#### Applicant's Position

Applicant proposes an information or fact finding tour of Urenco's Granau and Almelo enrichment facilities in Germany and the Netherlands, respectively. They are similar to the proposed Claiborne Enrichment Center which would be the first of a kind in the United States.

The proposed tour would include inspection of the UF<sub>6</sub> handling areas, including autoclaves and take-off stations, cylinder storage areas, and the examination of the centrifuges to the extent permitted by security procedures. The tour also would focus on the relationship of the facilities with the surrounding communities.

Applicant asserts that the tour will provide an opportunity for a first-hand observation of the process and the facility which should result in a better understanding of the centrifuge enrichment process.

LES agrees that a CANT representative should participate in the tour and offers to subsidize a portion of Intervenor's expenses for sending one participant.

#### Staff's Position

Staff states that it has made several visits to Urenco facilities during the course of its review of the application and contends that LES has not made a convincing showing that a site visit would materially assist in

developing a sound record in this proceeding. Staff asserts that if there were some specific pending issue or issues that could be effectively resolved with a site visit, with due regard for evidentiary considerations, the Staff might not oppose the LES motion. It states that it is unaware of any such issue. Staff also is against the proposed site visit because although it might be generally informative it does not warrant the substantial cost to the Commission, which it places at \$13,000.

#### Discussion and Conclusion

A site visit was initially proposed by Applicant during a prehearing conference on May 5, 1992. We ruled that the request was premature because it was presented at an early stage of the proceeding when much factual information was yet to be developed on the proposed plant and its operations. The parties were advised that they could again raise the proposal when it was appropriate.

As of now the Staff Evaluation Report and the Draft Environmental Impact Statement have been issued. Discovery on technical issues has about concluded.

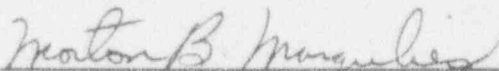
We believe that Staff has correctly framed the issue as to whether a site visit should be approved at this time on the basis of whether it would materially assist in developing a sound record in this proceeding.

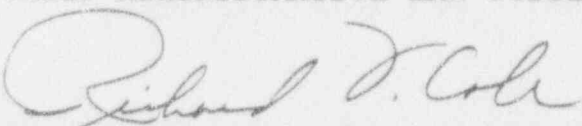
Although it would be of general interest to observe the plants enriching uranium by the gas centrifuge process, it does not appear that a site visit now would aid in resolving any specific issue that has been raised in the record. In the absence of the likelihood that the site visit to Europe will materially assist in factually developing the record it cannot be approved and the motion should be denied.


Order

Based upon all of the foregoing it is hereby Ordered that the LES motion of February 15, 1994 requesting approval of a European site visit by the Licensing Board and the parties representatives is hereby denied.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Morton B. Margulies, Chairman  
CHIEF ADMINISTRATIVE LAW JUDGE

  
Richard F. Cole  
ADMINISTRATIVE JUDGE

  
Frederick J. Shon  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
March 28, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(Claiborne Enrichment Center  
SNM License)

Docket No.(s) 70-3070-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB RULING ON LES MOTION ... have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Washington, DC 20555

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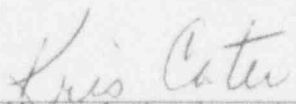
Docket No.(s)70-3070-ML  
LB RULING ON LES MOTION ...

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Dated at Rockville, Md. this  
29 day of March 1994

  
Office of the Secretary of the Commission