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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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Before Administrative Judges:
Thomas S. Moore, Chairman
Richard F. Cole
Frederick J. Shon

SERVED JUN - 6 1994

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
Material License)

June 3, 1994

ORDER


In a footnote to a May 25, 1994 motion for summary disposition on contention H, the Applicant, Louisiana Energy Services, seeks leave to file the motion. The Intervenor, Citizens Against Nuclear Trash (CANT), opposes the request asserting that the Applicant's summary disposition motion was filed months after the time set for such motions by our earlier May 7, 1992 order memorializing the prehearing conference. The Intervenor also argues that its prefiled direct testimony for the upcoming hearing is due July 1, 1994, and that responding to the Applicant's summary disposition motion at this time would divert its resources from trial preparation and prejudice its participation in the hearing.

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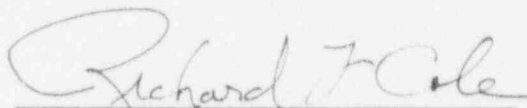
The Applicant's request for leave to file its summary disposition motion is denied. The Commission's regulations, 10 C.F.R. § 2.749(a), recognize the disruptive effect of eleventh hour summary disposition motions and empower us to deny such motions for that reason alone. Here, we deny the Applicant's request because its summary disposition motion has been filed beyond the time we previously established for such motions, and to require CANT to respond to the motion at this time would disrupt the Intervenor's trial preparation.

It is so ORDERED.

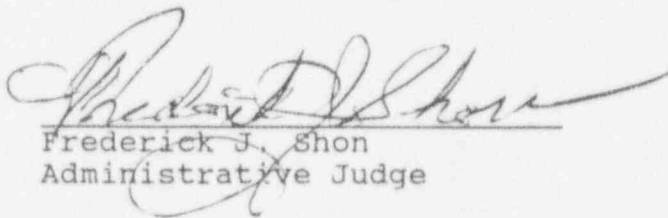
FOR THE ATOMIC SAFETY AND
LICENSING BOARD



Thomas S. Moore, Chairman
Administrative Judge



Richard F. Cole
Administrative Judge



Frederick J. Shon
Administrative Judge

Bethesda, Maryland,
June 3, 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 ORDER DENIED 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
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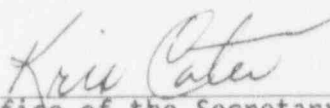
Docket No.(s)70-3070-ML
LB ORDER DENIED LES MOTION...

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Office of Air Quality & Rad. Protection
Dept. of Environmental Quality
P.O. Box 82135
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Dated at Rockville, Md. this
6 day of June 1994


Office of the Secretary of the Commission