

February 14, 1997

MEMORANDUM FOR: John F. Cordes, Acting Director
Office of Commission Appellate Adjudication

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:30 A.M., THURSDAY, FEBRUARY 13, 1997, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-97-024 - Louisiana Energy Services (Claiborne Enrichment Center); Atomic Safety and Licensing Board Partial Initial Decision (Resolving Contentions J.4, K, and Q), LBP-96-25

The Commission⁽¹⁾ approved the attached order granting the petitions submitted by Louisiana Energy Services (LES) and the NRC staff for Commission review of LBP-96-25. The Order indicated that the Commission expects the Board to issue a decision on the remaining issues in this proceeding by May 1, 1997, if possible.

(Subsequently, on February 13, 1997 the Secretary signed the Order.)

Attachment: As stated

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
EDO
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-24

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Shirley Ann Jackson, Chairman
Kenneth C. Rogers
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.

In the matter of)
)
)
Louisiana Energy Services)
)
(Claiborne Enrichment Center))
)

Docket No. 70-3070-ML

ORDER

The Nuclear Regulatory Commission Staff and Louisiana Energy Services (LES) have filed petitions for Commission review of the Atomic Safety and Licensing Board's December 3, 1996, Partial Initial Decision, LBP-96-25. 44 NRC ____ (1996). This proceeding involves LES's application for a license to construct and operate the Claiborne Enrichment Center (CEC) near Homer, Louisiana. The intervenor, Citizens Against Nuclear Trash (CANT), opposes the petitions for Commission review. In accordance with the considerations set forth in 10 C.F.R. 2.786(b)(4), the Commission has decided to grant the petitions and will review the issues raised in the staff's and LES's petitions.

1. Scheduling of Briefs.

Pursuant to 10 C.F.R. 2.786(d), the Commission sets the following briefing schedule:

1. The staff and LES shall file their briefs on or before March 13, 1997. Each brief shall be no longer than 40 pages.
2. CANT shall file a single responsive brief on or before April 10, 1997. Its response shall not exceed 50 pages. We allow 50 pages for CANT's responsive brief so that CANT will have adequate space to respond to separate approaches that may be taken in the opening briefs of the staff and LES.
3. On or before April 24, 1997, the staff and LES may file reply briefs. Their replies shall not exceed 15 pages each.

To be timely, all documents must be served on the parties and on the Commission, so that they are received in the hands of the recipient no later than 4:15 p.m., Eastern Time, on the due dates for filing. Any means is permitted, including hand delivery, facsimile transmission or e-mail. However, for service on the Commission, facsimile or e-mail transmissions shall be followed by a mailed original signed copy. Briefs in excess of 10 pages must contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited. Page limitations on briefs are exclusive of pages containing a table of contents, table of cases, and of any addendum containing statutes, rules, regulations, etc.

2. Remaining Issues Before the Board.

The Commission expects that the Board will be able to decide the remaining issues by May 1, 1997. If the Board cannot do so, the Board should advise the Commission and parties of an alternative, reasonable schedule for deciding these issues.

IT IS SO ORDERED.

For the Commission

John C. Hoyle
Secretary of the Commission

Dated at Rockville, Maryland,
this day of February, 1997.

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners Dicus and Diaz were not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Commissioners Dicus and Diaz, however, had previously indicated that they would approve this paper and had they been present they would have affirmed their prior vote.