

RAS 8995

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 12/16/04
SERVED 12/16/04

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Paul B. Abramson
Dr. Charles N. Kelber

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(National Enrichment Facility)

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

December 16, 2004

ORDER

(Schedule for Filings Relative to Motion to Suspend Hearing Schedule)

Upon consideration of the December 15, 2004 motion of intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC) to compel compliance with hearing rules and suspend the hearing schedule in this proceeding, it is

ORDERED, that party submissions relative the December 15, 2004 NIRS/PC motion, including party responses to that motion, shall be filed on or before Monday, December 20, 2004, per the instructions below.

In its filing, the NRC staff shall provide the Licensing Board with a copy of the draft protective order referenced in the December 15, 2004 NIRS/PC motion as well as a list of any documents that it believes would be relevant to the contentions scheduled to be litigated in February 2005 that were added to the hearing file since October 25, 2004. That list should indicate the particular contention(s) to which each document relates. The staff should also address whether it believes any portion of the February 2005 hearing will need to be closed to the public and, if so, what portion(s) that would be.

Additionally, on or before the December 20 date specified above NIRS/PC should provide the Board with a list of the documents in the hearing file prior to October 25, 2004, upon which it has or intends to rely relative to the contentions scheduled to be litigated in February 2005.¹

Finally, if it has not already done so, the staff should provide immediately to intervenors New Mexico Environment Department (NMED) and the Attorney General of New Mexico (AGNM) copies of the draft protective order. On or before the December 20 date specified above, NIRS/PC, NMED, AGNM, and applicant Louisiana Energy Services (LES), should provide us with any comments they may have regarding the administrative/procedural terms of the draft protective order (as opposed to concerns regarding the need for public access to hearing file documents or the staff's standard of review for disclosure of such documents).

The general schedule found in Appendix A to our August 16, 2004 memorandum and order, including the December 30, 2004 date for filing prefiled direct testimony regarding the

¹ This list can be generated by simply "checking off" documents on the most recent version of the staff's hearing file list, which the Board understands has been provided to the parties electronically.

environmental contentions scheduled to go to hearing in February 2005, remains in effect absent further order of the Board.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 16, 2004

² Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (2) intervenors NMED, the AGNM, and NIRS/PC; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
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LOUISIANA ENERGY SERVICES, L.P.) Docket No. 70-3103-ML
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)
(National Enrichment Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULE FOR FILINGS RELATIVE TO MOTION TO SUSPEND HEARING SCHEDULE) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-3103-ML
LB ORDER (SCHEDULE FOR FILINGS RELATIVE
TO MOTION TO SUSPEND HEARING SCHEDULE)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of December 2004