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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 11/30/05

SERVED 11/30/05

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

November 30, 2005

ORDER

(Denying Filing Extension Motion)

Upon consideration of the November 29, 2005 NRC staff motion for extension of time for filing its proposed findings of fact and conclusions of law, it is

ORDERED, that the NRC staff's November 29, 2005 extension motion is denied.¹

In the context of its ruling on the November 29, 2005 motion of applicant Louisiana Energy Services, L.P., (LES) to supplement the record, the Licensing Board will consider

¹ Recognizing that the staff's motion relates to a November 29, 2005 motion of applicant Louisiana Energy Services, L.P., (LES) to supplement the record so as to preclude it from complying with the Board's April 15, 2004 initial prehearing conference order directive to submit any extension motion three business days before the due date in question (in this instance, the November 30, 2005 due date for filing proposed findings of fact and conclusions of law), see Licensing Board Memorandum and Order (Initial Prehearing Order) (Apr. 15, 2004) at 7 (unpublished), the staff apparently made no attempt to contact the Board by telephone to ensure the Board was aware it was seeking the extension of a next-day deadline. Moreover, contrary to another initial prehearing order provision, see id., the staff's motion makes no representation regarding the other parties' positions concerning its extension request. Additionally, while the staff in its motion asserts it needs additional time to assess the merits of the information provided in the LES motion to supplement, the Board notes that LES made no request for an extension of the filing deadline for its proposed findings and conclusions, notwithstanding the fact that the supplemental information it seeks to have admitted into the evidentiary record cannot be relied upon in support of its proposed findings of fact and conclusions of law absent a Board order granting its supplementation motion.

whether it is appropriate to afford the parties an opportunity to supplement their proposed findings of facts and conclusions of law.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 30, 2005

² Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (2) intervenors Nuclear Information and Resource Service/Public Citizen; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENYING FILING EXTENSION MOTION) 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 (DENYING FILING EXTENSION MOTION)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 30th day of November 2005