

**RAS 11284**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 03/02/06**

**SERVED 03/02/06**

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

March 2, 2006

MEMORANDUM AND ORDER  
(Regarding March 1, 2006 NRC Staff Letter)

On March 1, 2006, the NRC staff filed with the Licensing Board a letter noting, among other things, that it had not removed a mandatory hearing-related prefiled staff exhibit that the Board had identified as duplicative of a previously-admitted staff exhibit because that prefiled exhibit differs from the exhibit previously admitted. The Board has once again compared Staff Exh. 47, admitted in October 2005, with prefiled Staff Exh. 60-M, filed with the Board on Friday, February 24, 2006. Staff Exh. 47 does indeed contain volumes 1 and 2 of NUREG-1790, the Final Environmental Impact Statement (FEIS) for the proposed National Enrichment Facility, and is available on ADAMS and the Electronic Hearing Docket for this proceeding. See Staff Exh. 47 (NUREG-1790, Final Environmental Impact Statement for the Proposed National Enrichment Facility in Lea County, New Mexico, vols. 1 & 2 (June 2005), ADAMS Accession Nos. ML060120208 and ML060120209). Accordingly, the staff and applicant Louisiana Energy Services, L.P. (LES) should rely on Staff Exh. 47 in lieu of staff prefiled exhibit 60-M.

In addition, the staff and, to the extent necessary, LES should revise their prefiled testimony to incorporate the proper citations to Staff Exh. 47, and file that revised testimony

electronically or by hand delivery on or before noon Eastern Time, Friday, March 3, 2006. With its revised testimony, and by the same method of service, the staff should provide an updated prefiled exhibit list with staff prefiled exhibit 60-M removed.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

/RA/

G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 2, 2006

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\* Copies of this memorandum and 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; (3) the New Mexico Environment Department and the Attorney General of New Mexico; and (4) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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	)	
(National Enrichment Facility)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REGARDING MARCH 1, 2006 NRC STAFF LETTER) 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 MEMORANDUM AND ORDER (REGARDING  
MARCH 1, 2006 NRC STAFF LETTER)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 2<sup>nd</sup> day of March 2006