

RAS 11527

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 04/11/06

SERVED 04/11/06

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

April 11, 2006

MEMORANDUM AND ORDER

(Supplementing and Closing Evidentiary Record of Mandatory Hearing)

Pending before the Licensing Board is an April 6, 2006 motion by the NRC staff to supplement the evidentiary record of the March 6, 2006 mandatory hearing in this proceeding. In its motion (ADAMS Accession No. ML061010321), the staff requests that the Board admit a document entitled "Louisiana Energy Services National Enrichment Facility Safety Evaluation Report Supplement on Decommissioning Financial Assurance" as a staff exhibit to the mandatory hearing. The motion further indicates that applicant Louisiana Energy Services, L.P., (LES) the other party to the mandatory hearing, has no objection to the admission of that exhibit.

Because the evidentiary record of that mandatory hearing has not been closed, and because the Board finds certain of the information presented in the proffered exhibit relevant to the uncontested matters before the Board in the context of the mandatory hearing, the above-referenced supplement to the staff's Safety Evaluation Report is hereby admitted to the

record of the mandatory hearing as Staff Exhibit 77-M.¹ The Board accordingly directs the staff to provide the Board with three hard copies of Staff Exhibit 77-M on or before Friday, April 14, 2006, which will then be stamped and included as official exhibits in the evidentiary record of this proceeding.

In addition, while it appears that the staff has incorporated this exhibit into its recently-filed proposed findings of fact and conclusions of law, see NRC Staff's Proposed Findings of Fact and Conclusions of Law in the Mandatory Hearing (Apr. 10, 2006) at 69 (¶¶ 4.165-4.166), LES apparently has not. Accordingly, if LES wishes to file a supplement to its mandatory hearing-related proposed findings of fact and conclusions of law relative to this exhibit, it may do so on or before Monday, April 17, 2006.

Finally, the evidentiary record of the mandatory hearing is hereby closed as of the date of this memorandum and order.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 11, 2006

¹ Although the staff in its motion seeks to have this letter admitted as Staff Exhibit 76-M, that exhibit number already has been utilized. See Tr. at 3522-23.

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; (3) the New Mexico Environment Department and the Attorney General of New Mexico; and (4) the staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER
(SUPPLEMENTING AND CLOSING EVIDENTIARY RECORD OF MANDATORY HEARING)
have been served upon the following persons by deposit in the U.S. mail, first class, or through
NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Paul B. Abramson
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Lisa B. Clark, Esq.
John T. Hull, Esq.
Margaret J. Bupp, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Tannis L. Fox, Esq.
Deputy General Counsel
Office of General Counsel
Ron Curry, Secretary
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87502-6110

Docket No. 70-3103-ML
LB MEMORANDUM AND ORDER (SUPPLEMENTING AND
CLOSING EVIDENTIARY RECORD OF MANDATORY HEARING)

James R. Curtiss, Esq.
David A. Repka, Esq.
Martin J. O'Neill, Esq.
Amy C. Roma, Esq.
Tyson R. Smith, Esq.
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

David M. Pato, Esq.
Stephen R. Farris, Esq.
Christopher D. Coppin, Esq.
Assistant Attorneys General
Glenn R. Smith, Esq.
Deputy Attorney General
Office of the New Mexico Attorney General
P.O. Box Drawer 1508
Santa Fe, NM 87504-1508

Lindsay A. Lovejoy, Jr.
618 Paseo de Peralta, Unit B
Santa Fe, NM 87501

Lisa A. Campagna, Esq.
Assistant General Counsel
Westinghouse Electric Company LLC
P.O. Box 355
Pittsburgh, PA 15230-0355

John W. Lawrence, Esq.
Louisiana Energy Services, L.P.
2600 Virginia Ave., NW, Suite 610
Washington, DC 20037

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of April 2006