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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Commission

In the Matter of	)	
	)	Docket No. 70-3070-ML
LOUISIANA ENERGY SERVICES, L.P.	)	
	)	(Special Nuclear Material License)
(Claiborne Enrichment Center)	)	

MOTION BY THE NUCLEAR ENERGY INSTITUTE  
FOR LEAVE TO FILE AMICUS ANSWER TO PETITION BY  
APPLICANT LOUISIANA ENERGY SERVICES FOR REVIEW OF LBP-97-8

As permitted by 10 C.F.R. § 2.730, the Nuclear Energy Institute ("NEI") hereby moves for leave to file as amicus the attached answer in support of the "Petition of Applicant Louisiana Energy Services for Commission Review of LBP-97-8", dated May 27, 1997. NEI seeks leave to file the attached answer because the Board's Final Initial Decision is based upon significant legal errors which, if allowed to stand, could severely affect the interests of the nuclear energy industry.

NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

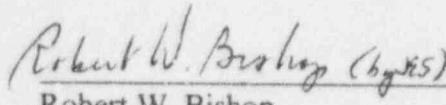
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The Board's Final Initial Decision contains serious errors of law both with respect to the application of Executive Order 12898 and the National Environmental Policy Act ("NEPA"). If left to stand, the Board's decision could establish damaging precedents that could adversely impact other NRC licensing actions, in addition to the LES proceeding itself. The Board's ruling is therefore highly important, not only for this first-of-a-kind enrichment facility licensing proceeding, but also because it is the first ruling by a Board or the Commission (or indeed by any agency) interpreting the Executive Order and is therefore likely to be important for future NRC licensing proceedings for other types of facilities as well.

The Board's decision also injures the financial interests of NEI's members. The licensing of the Claiborne Enrichment Center would introduce significant additional competition into the enrichment services market, potentially reduce reliance on foreign sources, and add to the diversity of uranium enrichment supply. All of these factors are extremely important to NEI's member utilities, because they affect the utilities' ability to obtain the most cost effective and secure source of supply of fuel for their plants.

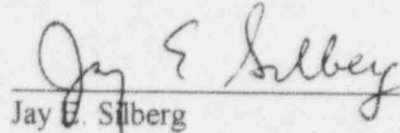
Accordingly, NEI respectfully moves the Commission to accept NEI's answer and consider carefully the important issues affecting the industry.

Nuclear Energy Institute  
1776 I Street, N.W.  
Washington, D.C. 20006

  
Robert W. Bishop  
Vice President & General Counsel

Respectfully submitted,

Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N.W.  
Washington, D.C. 20037

  
Jay E. Silberg

Counsel for Nuclear Energy Institute

Dated: June 2, 1997

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June 2, 1997

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NUCLEAR REGULATORY COMMISSION

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(Claiborne Enrichment Center)	)	

NUCLEAR ENERGY INSTITUTE'S ANSWER IN SUPPORT OF PETITION BY  
APPLICANT LOUISIANA ENERGY SERVICES FOR REVIEW OF LBP-97-8

The Nuclear Energy Institute ("NEI") hereby submits this answer in support of the "Petition of Applicant Louisiana Energy Services for Commission Review of LBP-97-8", dated May 27, 1997. NEI supports Commission review of the Final Initial Decision, LBP-97-8, because it is the first decision to deal with "environmental justice" issues and is based upon significant legal errors which, if allowed to stand, could severely affect the interests of the nuclear energy industry.

NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

The Board's Final Initial Decision contains serious errors of law both with respect to the application of Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", February 11, 1994) and the National Environmental Policy Act ("NEPA"). If left to stand, the Board's decision could establish damaging precedents that could adversely impact other NRC licensing actions, in addition to the LES proceeding itself. The Board's ruling is therefore highly important. The Final Initial Decision is the first NRC adjudicatory decision, and to our knowledge, the first adjudicatory decision by any agency or court, to interpret and apply the Executive Order. This decision is important, therefore, not only for this first-of-a-kind enrichment facility licensing proceeding, but also for every other proceeding in which a party or a Board will seek to apply it.

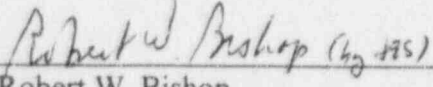
Because the Final Initial Decision is the first adjudicatory decision of any kind to interpret and apply the Executive Order, Commission review is critical. The fact that the decision was made in the absence of any Commission guidance makes the Commission's review of the Board's decision even more appropriate. The fact the decision was made in the absence of any guidance from any other agency makes Commission review yet more significant. The Final Initial Decision's pervasive misinterpretations of the Executive Order and of NEPA, as described in LES' Petition for Commission Review, make Commission review essential.

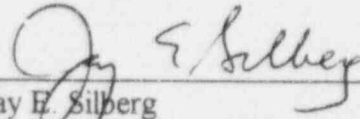
Accordingly, NEI respectfully moves the Commission to grant the Petition of Applicant Louisiana Energy Services for Commission Review of LBP-97-8.

Respectfully submitted,

Nuclear Energy Institute  
1776 I Street, N.W.  
Washington, D.C. 20006

Shaw, Pittman, Potts & Trowbridge  
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Robert W. Bishop  
Vice President & General Counsel

  
Jay E. Silberg

Counsel for Nuclear Energy Institute

Dated: June 2, 1997

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NUCLEAR REGULATORY COMMISSION

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	)	(Special Nuclear Material License)
(Claiborne Enrichment Center)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Motion By The Nuclear Energy Institute For Leave To File Amicus Answer To Petition By Applicant Louisiana Energy Services For Review Of LBP-97-8" and "Nuclear Energy Institute's Answer In Support Of Petition By Applicant Louisiana Energy Services For Review Of LBP-97-8" have been served on the persons listed below by deposit in the United States mail, first class, postage prepaid, or where indicated by an asterisk by hand delivery, or where indicatd by a double asterisk by both facsimile and first class mail, this 2nd day of June, 1997.

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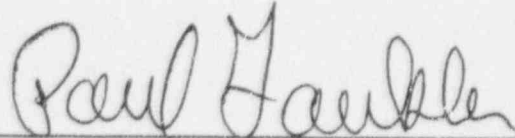
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A handwritten signature in cursive script, reading "Paul A. Gaukler". The signature is written in dark ink and is positioned above a horizontal line.

Paul A. Gaukler  
Counsel for Nuclear Energy Institute