

18346

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION



_____)	Docket No. 70-3070-ML
In the Matter of)	
)	ASLBP No. 91-641-02-ML
LOUISIANA ENERGY SERVICES, L.P.)	
)	(Special Nuclear
(Claiborne Enrichment Center))	Materials License)
)	
_____)	June 5, 1997

**OPPOSITION OF CITIZENS AGAINST NUCLEAR TRASH
TO THE 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**

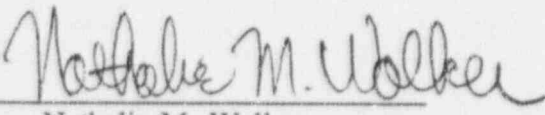
Citizens Against Nuclear Trash ("CANT") hereby opposes the "Motion By The Nuclear Energy Institute For Leave To File Amicus Answer To Petition By Applicant Louisiana Energy Services For Review of LBP-97-8" (June 2, 1997). The motion should be denied because the filing of an amicus answer to a petition for review is not permitted by 10 C.F.R. § 2.715(d), the NRC's regulation governing amicus briefs.¹ Section 2.715(d) permits the Commission to exercise its discretion to allow the filing of an amicus curiae brief only "[i]f a matter is taken up by the Commission pursuant to 10 C.F.R. § 2.786 or sua sponte." Because the Commission has not taken up the matter on which NEI seeks to respond, the regulation precludes the Commission from granting NEI's motion.

¹ NEI incorrectly claims that its motion is permitted by 10 C.F.R. § 2.730. NEI motion at 1. Section 2.730 pertains generally to motions, and gives no instruction regarding the permissibility of an amicus answer to a petition for review, or a motion for leave to file such.

In any event, even if the Commission had the discretion to grant NEI's motion, it should be rejected, because NEI's Answer merely duplicates arguments made by LES and/or the NRC staff.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "OPPOSITION OF CITIZENS AGAINST NUCLEAR TRASH TO THE 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" have been served on this 5th day of June, 1997, as follows:

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and
Adjudication Staff

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and via facsimile

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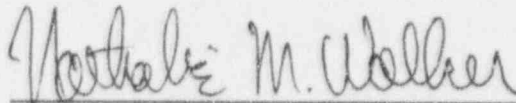
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