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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

COMMISSIONERS:

'97 JUN 30 A9:12

Shirley Ann Jackson, Chairman
Kenneth C. Rogers
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

' SERVED JUN 30 1997

In the matter of)

Louisiana Energy Services)

(Claiborne Enrichment Center))

Docket No. 70-3070-ML

CLI-97-7

ORDER

The Nuclear Regulatory Commission staff and Louisiana Energy Services (LES) have filed petitions for Commission review of the Atomic Safety and Licensing Board's May 1, 1997, Final Initial Decision, LBP-97-8, 45 NRC ____ (1997), concerning contention J.9 (raising "environmental justice" claims). This proceeding involves LES's application for a license to construct and operate the Claiborne Enrichment Center (CEC) near Homer, Louisiana. The intervenor, Citizens Against Nuclear Trash (CANT), opposes the petitions for Commission review. In accordance with the considerations set forth in 10 C.F.R. § 2.786(b)(4), the Commission has decided to grant the petitions and will review the issues raised in the staff's and LES's petitions.¹

¹The Commission also has before it three petitions for review, two by CANT and one by LES, raising various challenges to the Board's handling of waste disposal issues, including its

1. Scheduling of Briefs.

Pursuant to 10 C.F.R. § 2.786(d), the Commission sets the following briefing schedule²:

1. The staff and LES shall file their briefs on or before August 8, 1997. Each brief shall be no longer than 30 pages.
2. CANT shall file a single responsive brief on or before September 18, 1997. Its response shall not exceed 40 pages. We allow 40 pages for CANT's brief so that CANT will have adequate space to respond to separate approaches that may be taken in the opening briefs of the staff and LES. It is also possible that CANT will face an amicus curiae brief filed by NEI. See discussion below.
3. The staff and LES may file reply briefs on or before September 30, 1997. Their replies shall not exceed 10 pages each.

Briefs in excess of 10 pages must contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited. Page limitations on briefs are exclusive of pages containing a table of contents, table of cases, and of any addendum containing statutes, rules, regulations, etc.

decision in LBP-97-3, 45 NRC __ (1997). In addition, the Commission is considering the briefs filed by the parties after the Commission granted earlier petitions for review raising NEPA and financial qualifications issues. See CLI-97-3, 45 NRC 49 (1997). The Commission will act on those matters in due course.

² In a letter dated June 5, 1997, CANT's lawyers asked the Commission, in setting a briefing schedule, to take into consideration their "previously scheduled family obligations out of town during the entire month of August." LES opposes any delay in the proceeding. The Commission has taken into account both concerns in establishing the briefing schedule in this case.

2. Motion to File Amicus Curiae Brief in Support of Petitions.

The Nuclear Energy Institute (NEI) has sought leave to file an amicus curiae brief in support of the petitions for review. We deny the motion. Our rules contemplate amicus curiae briefs only after the Commission grants a petition for review, and do not provide for amicus briefs supporting or opposing petitions for review. See 10 C.F.R. § 2.715(d); cf. Sequoyah Fuels Corporation and General Atomics (Gore, Oklahoma Site), CLI-96-3, 43 NRC 16, 17 (1996). No special circumstances here warrant an exception to our rules.

Without further motion, however, we will permit NEI to file an amicus brief on the merits, not to exceed 20 pages, should it choose to do so. See Sequoyah Fuels Corporation, 43 NRC at 17. NEI must file its amicus brief no later than the filing date of the briefs for the parties whose position NEI supports. See 10 C.F.R. § 2.715(d).

IT IS SO ORDERED.



For the Commission³

John C. Hoyle
Secretary of the Commission

Dated at Rockville, Maryland,
this 30th day of June, 1997.

³ Commissioner Dicus was not available for the affirmation of this Order. If she had been present, she would have approved the Order.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(Claiborne Enrichment Center
SNM License)

Docket No.(s) 70-3070-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER (CLI-97-7) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)70-3070-ML
COMMISSION ORDER (CLI-97-7)

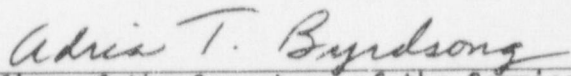
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Dated at Rockville, Md. this
30 day of June 1997


Office of the Secretary of the Commission

* Faxed