

RAS 10594

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

DOCKETED 10/17/05

SERVED 10/17/05

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

October 17, 2005

MEMORANDUM AND ORDER

(Regarding October 13, 2005 Memorandum and Order)

To ensure there is no misunderstanding regarding the Licensing Board's October 13, 2005 directive concerning the citation of exhibit material in party prefiled testimony, the Board would like to emphasize that incorporation by reference of a document or documents as purported testimony or as evidentiary exhibits, including the incorporation by reference of

documents cited in another document, is not an acceptable practice.¹ Such documents should instead be cited, as should all other documents relied upon in prefiled testimony as evidentiary support,² by specific reference in the prefiled testimony to the relevant exhibit, and to the particular pages within that exhibit (e.g., NIRS/PC Exh. X, at Y-Z), that support the applicable portions of the proffered prefiled testimony.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 17, 2005

¹ See, e.g., Revised Direct Testimony of Dr. Arjun Makhijani in Support of NIRS/PC Contentions EC-3/TC-1, EC-5/TC-2, and EC-6/TC-3 Concerning LES's Disposal Strategy and Cost Estimate (Oct. 11, 2005), at 5-6.

² See Licensing Board Memorandum and Order (Regarding NIRS/PC Prefiled Testimony and Exhibits) (Jan. 18, 2005) at 1-2 (copies of textbook excerpts and discovery materials relied upon as evidence must be provided) (unpublished). In contrast, copies of legal materials such as Board or Commission orders or the Code of Federal Regulations that are cited in prefiled testimony in support of legal propositions generally need not be provided as exhibits.

³ Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant Louisiana Energy Services, L.P.; (2) intervenors Nuclear Information and Resource Service/Public Citizen; and (3) the NRC staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REGARDING OCTOBER 13, 2005 MEMORANDUM AND ORDER) 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
OCTOBER 13, 2005 MEMORANDUM AND ORDER)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 17th day of October 2005