

RAS 11373

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 03/17/06

SERVED 03/17/06

ATOMIC SAFETY AND LICENSING BOARD

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

March 17, 2006

MEMORANDUM AND ORDER

(Status of Mandatory Hearing-Related Document)

It has come to the Licensing Board's attention that NRC Staff Exh. 50-M, which was admitted in connection with the March 6, 2006 mandatory hearing in this proceeding, contains information that may be proprietary to applicant Louisiana Energy Services, L.P., (LES) and, as such, should be treated in accordance with the terms of the Board's May 21, 2004 protective order. See Licensing Board Memorandum and Order (Protective Order Governing Disclosure of Protected Materials) (May 21, 2004) (unpublished). Accordingly, the staff and LES should confer and, on or before Friday, March 24, 2006, provide the Board with a redacted version of Staff Exh. 50-M, suitable for public disclosure.¹

In addition, the staff and LES should review the March 6, 2006 transcript of the mandatory hearing, including any written testimony bound into that transcript, to ensure that it

¹ In redacting that document, the parties should utilize a "blackout" method of redaction rather than a "whiteout" method, so that it is apparent to the reader where protected information has been removed from the document. In addition, for the redacted version, the parties should strike through any headers/footers or other page markings that previously indicated the existence of proprietary/protected information.

does not contain any reference to proprietary or otherwise protected information. In this regard, the parties should notify the Board and the Office of the Secretary immediately if that transcript contains any proprietary/protected information so that it is not made publically available and, if the transcript does contain any such information, the staff or LES should provide a list of proposed transcript redactions to the Board on or before Friday, March 24, 2006.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 17, 2006

² Copies of this memorandum and 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.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (STATUS OF MANDATORY HEARING-RELATED DOCUMENT) 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
(STATUS OF MANDATORY
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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 17th day of March 2006