

RAS 9089

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

DOCKETED 01/03/05

SERVED 01/03/05

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

January 3, 2005

ORDER

(Schedule for Responses to Protective Order Clarification Motion)

Upon consideration of the December 30, 2004 motion of intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC) for clarification of the Licensing Board's December 21, 2004 protective order, it is

ORDERED, that party responses to the December 30, 2004 NIRS/PC motion shall be filed on or before Friday, January 7, 2005.

In its response, the NRC staff should provide the Board with its views (1) relative to the seven items raised by NIRS/PC regarding the protective order, on the justification for any procedures utilized in the December 21, 2004 protective order for handling/withholding information that are different from those that apply to the handling of other types of non-classified sensitive information, such as proprietary materials, under the procedures currently governing this proceeding (e.g., in connection with item 6 in the NIRS/PC motion, there apparently is no reporting provision in the May 21, 2004 protective order governing the unauthorized availability of proprietary information in this proceeding); and (2) with regard to item 2 in the NIRS/PC motion, on whether the staff's action providing screening criteria to the

parties on December 22, 2004, in conjunction with the parties' responsibility under the December 21, 2004 protective order and the associated confidentiality and non-disclosure agreement to ensure that protected information is not improperly disclosed, alleviates the need for staff screening of an adjudicatory filing determined by the submitting party not to contain protected information before that submission can be disclosed to an individual who has not executed a confidentiality and non-disclosure agreement.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 3, 2005

* Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant Louisiana Energy Services, Inc.; (2) intervenors New Mexico Environment Department, the Attorney General of New Mexico, and NIRS/PC; and (3) the staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULE FOR RESPONSES TO PROTECTIVE ORDER CLARIFICATION MOTION) 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 ORDER (SCHEDULE FOR RESPONSES TO
PROTECTIVE ORDER CLARIFICATION MOTION)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of January 2005