

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 10233

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 08/04/05

SERVED 08/04/05

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

August 4, 2005

MEMORANDUM

(Notice Regarding Issuance of Decision on
Motion to Admit Late-Filed Amended/Supplemental Contentions)

By memorandum and order issued this date, the Licensing Board has denied the July 5, 2005 motion of intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC) for the late-filed admission of certain amended and supplemental contentions and referred its rulings to the Commission in accordance with 10 C.F.R. § 2.323(f). The Board's decision, however, currently is being treated as not subject to public release pending review for possible proprietary information used in the decision. Accordingly, copies of the decision are being provided at this juncture only to the parties by overnight delivery/express mail (or in the case of the staff, by internal agency mail), and should be handled by those parties in accordance with the May 21, 2004 protective order previously entered in this proceeding.

In crafting its decision, the Board has attempted to minimize the use of possible proprietary information and has requested that on or before Friday, August 12, 2005, applicant Louisiana Energy Services, L.P., (LES), NIRS/PC, and the NRC staff provide a joint report outlining any agreements or disagreements regarding the redaction of specific portions of the

opinion that are claimed to contain proprietary information. Once the Board has received this joint report, and any responses challenging claimed redactions, it will make a determination about what portions of the decision must be withheld. The parties will be advised of the Board's ruling in this regard.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 4, 2005

* Copies of this memorandum were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (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 MEMORANDUM (NOTICE REGARDING ISSUANCE OF DECISION ON MOTION TO ADMIT LATE-FILED AMENDED/SUPPLEMENTAL CONTENTIONS) have been served upon the following persons by express mail, or through NRC internal distribution.

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Docket No. 70-3103-ML
LB MEMORANDUM (NOTICE REGARDING
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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of August 2005