

RAS 10301

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

DOCKETED 08/12/05

SERVED 08/12/05

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 12, 2005

MEMORANDUM

(Notice Regarding Issuance of Unredacted
Decision on Late-Filed Contentions)

In an August 4, 2005 publicly available memorandum, the Licensing Board advised that it was issuing that date a ruling denying 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). As the Board noted, however, the decision was being treated as not subject to public release pending review regarding whether proprietary information was used in the decision. In the decision, the Board also established a process for party input on the issue whether any information contained in the issuance needed to be afforded confidential treatment.

By a joint report dated August 11, 2005, the Board has been advised that the parties have reviewed the decision and are of the view that no proprietary information was used in the August 4, 2005 decision. Accordingly, a copy of the decision, which varies from the version initially provided to the parties only in that the label "Publicly-Available Version" has been

substituted for "Handle as Proprietary Information Pending Review" in the footer at the bottom of each page, has been placed by the Office of the Secretary into the agency's ADAMS electronic record keeping system as a publicly available document with Accession No. ML052240201.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 12, 2005

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

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (NOTICE REGARDING ISSUANCE OF UNREDACTED DECISION ON LATE-FILED CONTENTIONS) 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 (NOTICE REGARDING ISSUANCE OF
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of August 2005