

RAS 10424

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

DOCKETED 09/07/05

SERVED 09/07/05

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

September 7, 2005

MEMORANDUM AND ORDER

(Response to Joint Motion for Clarification Regarding
Mandatory Hearing-Related Materials)

In response to the Licensing Board's August 12, 2005 issuance outlining the mandatory hearing-related documentary materials that it is requesting be made available for its review, see Licensing Board Memorandum and Order (Memorializing Results of Prehearing Conference) (Aug. 12, 2005) at 2-3 (unpublished), by joint motion dated September 2, 2005, applicant Louisiana Energy Services, L.P., (LES) and the NRC staff have requested clarification about the appropriate scope of disclosure for several classes of information referenced in the Board's order, see Joint Motion for Clarification of Document Production for Mandatory Hearing (Sept. 2, 2005) [hereinafter Joint Clarification Motion]. The Board appreciates the parties' attempt to ensure that it is provided with all the pertinent information needed for its review, and provides the following additional guidance:

1. LES and the staff have pointed out that, in addition to the Safety Analysis Report (SAR) specifically referenced in the Board's August 12 memorandum and order, the LES

application consists of several additional components,¹ and asks whether the Board wants copies of this information as well. See Joint Clarification Motion at 2. The answer is yes; however, they need provide the Board Chairman with only one copy of each of those documents. Also, as the joint motion suggests, see id., the copies of these and other portions of the application should include the most recent revisions.

2. Relative to the additional staff information relating to the staff's requests for additional information (RAI) and LES RAI responses, see id., the staff should provide one paper copy of this information and, to the degree possible, organize it such that the materials regarding each staff RAI and the related LES responses are grouped together.

3. Relative to the Confidential Restricted Data (CRD) identified in the joint motion, see id. at 3, the Board requests that one paper copy of this CRD material be provided to the Board Chairman. Staff counsel should contact Licensing Board Panel law clerk Bethany Engel to arrange for the transfer of this material to the Board Chairman's custody and control.

4. The Advisory Committee on Nuclear Waste (ACNW)-related materials identified by the staff, see id., are acceptable to the Board.

5. The Board finds the parties' proposal regarding staff-only filing of an Executive Summary to be acceptable, see id. With regard to that summary, however, the Board asks that it include a list of all portions of the staff's SER in which the staff found that LES had not followed an expressly prescribed analytical procedure set out in a relevant Regulatory Guide, together with a description of the analytical procedure actually followed by LES and a description of the staff's review process for that methodology along with an explanation of how

¹ According to LES and the staff, these include the environmental report, the emergency plan, the fundamental nuclear material control plan, the physical security plan, the guard force training and qualification plan, the safeguards contingency plan, and the standard practice procedures plan.

and why the staff found the alternate (or new) analytical methodology acceptable. If the staff concludes it is unable to create this list under the current schedule for submitting its Executive Summary, the Board asks that on or before Tuesday, September 13, 2005, the staff provide the Board with a proposed date by which it would be able to generate such a list.

Also, if for any reason LES wishes to submit a filing regarding the staff's Executive Summary, it should do so on or before Monday, September 26, 2005.

6. Finally, as to any of the paper copies of mandatory hearing documentary materials being submitted to the Board pursuant to this issuance or the Board's August 12 order, the Board's preference is that the materials be submitted in a double-sided and/or quad-view (four pages displayed per side) format if such formatting is available for printing/reproducing those documents.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 7, 2005

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; and (3) 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 (RESPONSE TO JOINT MOTION FOR CLARIFICATION REGARDING MANDATORY HEARING-RELATED MATERIALS) 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 (RESPONSE TO
JOINT MOTION FOR CLARIFICATION REGARDING
MANDATORY HEARING-RELATED MATERIALS)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of September 2005