

**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See Licensing Board Memorandum and Order (Protective Order Governing Disclosure of Protected Materials) (May 21, 2004) (unpublished).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.<sup>1</sup>

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

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<sup>1</sup> 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 BOARD<sup>2</sup>

/RA/

G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 17, 2006

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<sup>2</sup> 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.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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LOUISIANA ENERGY SERVICES, L.P. ) Docket No. 70-3103-ML  
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(National Enrichment Facility) )

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.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
G. Paul Bollwerk, III, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Charles N. Kelber  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Lisa B. Clark, Esq.  
John T. Hull, Esq.  
Margaret J. Bupp, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Tannis L. Fox, Esq.  
Deputy General Counsel  
Office of General Counsel  
Ron Curry, Secretary  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87502-6110

Docket No. 70-3103-ML  
LB MEMORANDUM AND ORDER  
(STATUS OF MANDATORY  
HEARING-RELATED DOCUMENT)

James R. Curtiss, Esq.  
David A. Repka, Esq.  
Martin J. O'Neill, Esq.  
Amy C. Roma, Esq.  
Tyson R. Smith, Esq.  
Winston & Strawn LLP  
1700 K Street, NW  
Washington, DC 20006

David M. Pato, Esq.  
Stephen R. Farris, Esq.  
Christopher D. Coppin, Esq.  
Assistant Attorneys General  
Glenn R. Smith, Esq.  
Deputy Attorney General  
Office of the New Mexico Attorney General  
P.O. Box Drawer 1508  
Santa Fe, NM 87504-1508

Lindsay A. Lovejoy, Jr.  
618 Paseo de Peralta, Unit B  
Santa Fe, NM 87501

Lisa A. Campagna, Esq.  
Assistant General Counsel  
Westinghouse Electric Company LLC  
P.O. Box 355  
Pittsburgh, PA 15230-0355

John W. Lawrence, Esq.  
Louisiana Energy Services, L.P.  
2600 Virginia Ave., NW, Suite 610  
Washington, DC 20037

[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 17<sup>th</sup> day of March 2006