

RAS 11728

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

DOCKETED 06/07/06

SERVED 06/07/06

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

June 7, 2006

MEMORANDUM AND ORDER

(Clarification of May 31, 2006 Memorandum and Order)

In response to a May 31, 2006 Licensing Board memorandum and order, applicant Louisiana Energy Services, L.P. (LES), intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC), and the NRC staff¹ each notified the Board that their respective cross-examination plans from the October 2005 and February 2006 evidentiary hearings in this proceeding did not, to their knowledge, contain any proprietary information that would require redaction before those plans could be placed in the public docket by the Office of the Secretary (SECY). None of those party responses indicated, however, whether the parties had consulted with one another regarding the content of their respective cross examination plans (which presumably have never been seen by the other parties), as the Board's May 31 memorandum and order indicated might be useful in determining the presence of any potentially proprietary information.

¹ In this regard, the parties are once again reminded that Internet e-mail pleadings are not favored by the Board. E-mail should be reserved for transmitting electronic copies of motions and pleadings rather than as a substitute for such filings.

So that information claimed to be proprietary or otherwise sensitive is not inadvertently made publically available by the Board and SECY, the parties should consult with one another regarding the presence of proprietary/sensitive information in their respective cross-examination plans and, if necessary, exchange cross-examination plans to facilitate that discussion. On or before Friday, June 9, 2006, the parties should notify the Board by joint report as to whether each of the party cross-examination plans can be placed in toto in the public docket.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 7, 2006

² Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (2) intervenors NIRS/PC; and (3) the staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (CLARIFICATION OF MAY 31, 2006 MEMORANDUM AND ORDER) 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 (CLARIFICATION OF
MAY 31, 2006 MEMORANDUM AND ORDER)

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 Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of June 2006