

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

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Kaye D. Lathrop
Dr. Craig M. White

In the Matter of

AREVA ENRICHMENT SERVICES, LLC

(Eagle Rock Enrichment Facility)

Docket No. 70-7015-ML

ASLBP No. 10-899-02-ML-BD01

January 18, 2011

MEMORANDUM AND ORDER
(Submission of Revised Exhibits)

In this mandatory hearing on the application of AREVA Enrichment Services, LLC, (AES) for a 10 C.F.R. Part 70 license to construct and operate the Eagle Rock Enrichment Facility, in section C.6.d of the Licensing Board's December 17, 2010 memorandum and order, the Board provided a protocol for submitting revised prefiled exhibits for the evidentiary hearing on safety issues scheduled to begin on Tuesday, January 25, 2011. In that section we stated:

d. Revised Exhibits. In the event a party needs to provide a revised version of a previously prefiled exhibit, the exhibit should be refiled with a letter "R" in place of the first zero in the exhibit number, such that, for example, a revised version of staff exhibit NRC000001 would be designated NRRCR00001. If a second or subsequent revision is necessary, the exhibit should be refiled with a sequential number in the place of the next zero in the exhibit number, e.g., NRRCR20001.

Licensing Board Memorandum and Order (Providing Presentation Topics and Administrative Directives Associated with Mandatory Hearing on Safety Matters) (Dec. 17, 2011) at 11 (unpublished) [hereinafter Board Administrative Directives Order].

In submitting its prefiled exhibits, AES has proffered a revised exhibit bearing the designation "AES000031R". Unfortunately, this designation fails to comply with the Board's directive in two respects. First, it utilizes a ten-digit number rather than the nine-digit designation that the Board indicated should be employed so that the prefiled exhibit can be readily incorporated in the Licensing Board Panel's Digital Data Management System (DDMS) that will be used for, among other things, the electronic marking of exhibits during the upcoming evidentiary hearing. Additionally, although AES follows the Board's instructions quoted above by including an "R" in its new number so as to designate the prefiled exhibit as a revised version of a previously filed exhibit, that letter nonetheless is in the wrong position in the exhibit number. To correct this matter, AES should refile its prefiled exhibit previously designated as "AES000031R" as "AESR20031", thereby indicating it is the second revised version of that prefiled exhibit.¹

For its part, in submitting its presentation materials (NRC000101 and NRC000104), the NRC staff has cited various documents (such as its Safety Evaluation Report) without providing a citation to the exhibit number of the document being referenced. To ensure that it is clear what evidentiary materials are being cited by the staff via these references, see Licensing Board Administrative Directives Order at 9, 16, the staff should submit a revised copy of these exhibits (using the numbering protocol quoted above) that includes citations to the exhibit numbers of the documents being referenced in its presentations.²

¹ AES also raised a question by e-mail with Board law clerk Jonathan Eser regarding the proper method for "removing" prefiled exhibit AES000032, which it apparently submitted by mistake. No further action is required by AES relative to that prefiled exhibit, which will not be marked for identification as part of the evidentiary record unless AES requests such action at the hearing.

² Although the presentation materials found in prefiled exhibits AES000062 and NRC000120 do not appear to reference other source documents that are prefiled exhibits, to the
(continued...)

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Board **MEMORANDUM AND ORDER (Submission of Revised Exhibits)**, dated January 18, 2011, have been served upon the following persons by Electronic Information Exchange.

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AREVA ENRICHMENT SERVICES, LLC (Eagle Rock Enrichment Facility) – 70-7015-ML
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[Original signed by Linda D. Lewis] _____
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 18th day of January 2011