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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before Administrative Judges:
Thomas S. Moore, Chairman
Richard F. Cole
Frederick J. Shon

SERVED APR 21 1994

In the Matter of

LOUISIANA ENERGY
SERVICES, L.P.

(Claiborne Enrichment Center)

Docket No. 70-3070-ML

ASLBP No. 91-641-02-ML
(Special Nuclear
Material License)

MEMORANDUM AND ORDER
(Protective Order Governing Certain Proprietary Information)

1. This Protective Order governs the disclosure and use of specified sections, identified in paragraph 2 herein, of three proprietary documents. Two proprietary documents were prepared by Louisiana Energy Services, L.P., (LES--Applicant). The first of the LES prepared documents is entitled "First Amendment to Agreement of Limited Partnership of Louisiana Energy Services, L.P." and the second is an LES letter from Peter G. LeRoy to Charles J. Haughney, dated May 1, 1992, responding to NRC staff requests for information on LES' financial qualifications. The third document is a current financial report for Graystone Corporation. Access to specified portions of the IES prepared documents is sought by Citizens Against Nuclear Trash (CANT--

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Intervenor) in the "3/11/94 Request for Production of Documents Filed by Citizens Against Nuclear Trash and Directed to Louisiana Energy Services, L.P. Pertaining to Contention Q" ("3/11/94 Request"). Access to the third document is sought by Intervenor in the "3/24/94 Interrogatories and Request for Production of Documents Filed by Citizens Against Nuclear Trash and directed to Louisiana Energy Services, L.P. Pertaining to Contentions B, H, and Q," ("3/24/94 Request").

2. As specified by LES and CANT, only the following portions of the two LES prepared documents sought under the 3/11/94 Request are subject to the terms and conditions of this Protective Order:

- Attachments C, E, F, and H to the May 1, 1992, LES letter to the NRC Staff in response to a request for additional information; and
- Sections 9.1, 9.2, 11.1(f), 13.1, 13.4, 15.2 and Exhibits C and D to the First Amendment to the LES Partnership Agreement.

According to LES and CANT, the entire Graystone Corporation financial report is subject to the terms and conditions of this Protective Order.

The above-stated portions of the two LES prepared documents together with the Graystone Corp. financial report shall be known as the "documents subject to this Protective Order." No other sections, parts or portions of the requested documents are subject to disclosure under this Protective Order.

3. This Protective Order has no applicability to the NRC staff. As used in this Protective Order, the term "Intervenor" includes CANT's agents, representatives, members, employees, witnesses, consultants or other persons associated with or assisting CANT that may have or desire access to the documents subject to this Protective Order.

4. Intervenor acknowledges that the documents produced to CANT by Applicant as specified in paragraph 2 above have been provided by Applicant in response to Intervenor's 3/11/94 Request and the 3/24/94 Request.

5. Applicant represents that the documents subject to this Protective Order have been accorded restricted distribution by Applicant or its General Partners and contain confidential commercial and financial information, the unauthorized disclosure of which can cause substantial harm to Applicant's or Graystone Corporation's competitive positions.

6. In consideration of Applicant's production of the documents subject to this Protective Order, Intervenor agrees that the information contained in the documents subject to this Protective Order shall be maintained in confidence, shall not be disclosed orally or in writing to any person or entity not authorized by the Licensing Board under this Protective Order, and shall not be used for or in connection with any purpose other than the above-captioned proceeding.

7. Each person seeking or requiring access to the documents subject to this Protective Order shall execute a written agreement, in the form of the attached "Affidavit of Non-Disclosure" ("Affidavit"), to be bound by the terms of the Protective Order and Affidavit.

8. The documents subject to this Protective Order will be made available for review by the persons admitted under this Protective Order at the Washington, D.C., offices of Winston & Strawn, 1400 L Street, N.W., or such other location as the parties may agree upon.

9. Parties granted access to the documents subject to this Protective Order shall not make any copies thereof. They will, however, be permitted to take written notes in connection with their review of these documents. Any such notes, including their content, cannot be revealed, transmitted, or communicated to any

person who is not bound by this Protective Order as indicated in paragraph 7 above. Those persons who prepare notes will take all steps necessary and prudent to prevent disclosure of those notes. Furthermore, any notes taken by persons granted access to the documents subject to this Protective Order shall submit any and all portions of any notes taken in connection with the review of the documents to the Licensing Board for destruction upon completion of this proceeding.

10. Nothing in this Protective Order shall be construed to prohibit Intervenor from submitting information obtained from the documents subject to this Protective Order to the NRC or any other tribunal or government agency with jurisdiction over the above-captioned proceeding, provided that Intervenor shall notify the tribunal or government agency that the information is confidential and subject to the protections provided in 10 C.F.R. § 2.740 or other pertinent rule of that tribunal. In the event any party intends to submit or use any information obtained from the documents subject to this Protective Order in any portion of the hearings before the Licensing Board, that party shall notify the Board and all other parties not less than seven days before the start of the hearing so as to permit the Board and the parties to consider whether it is necessary to conduct in camera sessions regarding that information.

11. Notwithstanding any other provision of the Protective Order, Intervenor commits and agrees that Intervenor will take all reasonable steps to assure that information or documents subject to this Protective Order will not otherwise be disclosed to any person or entity to whom disclosure is not expressly permitted by this Protective Order.

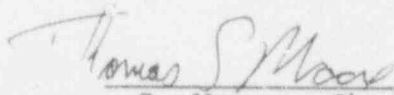
12. Intervenor agrees that Intervenor shall notify Applicant (or Applicant's counsel) within forty-eight hours of learning that any information or any document subject to this Protective Order has been disclosed in violation of this Protective Order.

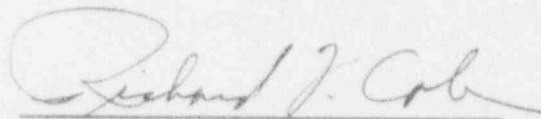
13. Nothing in this Protective Order shall be construed to limit or restrict in any way Applicant's use (including use at the CEC NRC licensing hearing) and/or disclosure of information in documents subject to this Protective Order.

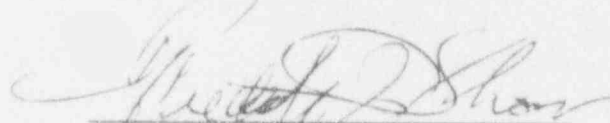
14. Nothing in this Protective Order and Affidavit of Non-Disclosure shall be construed as a waiver of CANT's right to pursue any remedies it may deem appropriate to lawfully seek

public disclosure of the documents subject to this Protective Order.

IT IS SO ORDERED.


Thomas S. Moore, Chairman
Administrative Judge


Richard F. Cole
Administrative Judge


Frederick J. Shon
Administrative Judge

Bethesda, Maryland,

April 20, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Thomas S. Moore, Chairman
Richard F. Cole
Frederick J. Shon

In the Matter of

LOUISIANA ENERGY
SERVICES, L.P.

(Claiborne Enrichment Center)

Docket No. 70-3070-ML

ASLBP No. 91-641-02-ML
(Special Nuclear
Material License)

AFFIDAVIT OF NON-DISCLOSURE

1. I, _____ (name), hereby apply for access to portions of Louisiana Energy Services' documents concerning the First Amendment to the Partnership Agreement, answers to NRC staff requests for financial qualification information and the Graystone Corp. financial report. This material is subject to the Protective Order issued by the Atomic Safety and Licensing Board ("Licensing Board") on April 20, 1994 in the above-captioned proceeding.

2. I am _____ (position and relationship to Intervenor, e.g., Counsel to CANT, witness

for CANT, consultant to CANT, member of CANT, etc.), and am employed by _____.

3. I represent to the Licensing Board that I have read the Protective Order issued in this proceeding and will comply in all respects with its terms and conditions with respect to the documents subject to the Protective Order.

4. My education and employment history, including present employment and names of current clients (if a witness or consultant to Intervenor) are as shown by the attached resumé.

5. I will not disclose any protected material, either orally or in writing, to any individual other than those admitted under the Protective Order by the Licensing Board.

6. I acknowledge that disclosure of the confidential commercial and financial information on the documents subject to this Protective Order can cause substantial harm to Applicant's competitive position and may result in the imposition of sanctions as the Licensing Board deems appropriate. I also acknowledge that improper disclosure of

confidential information entitles the injured party to all remedies under law or equity.

Signature

Date

Name and Title

Subscribed and sworn to before

me this ___ day of _____, 1992. Notary Public

My commission expires: _____

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NUCLEAR REGULATORY COMMISSION

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(Claiborne Enrichment Center
SNM License)

Docket No.(s) 70-3070-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (PROTECTIVE ORDER W/AFF have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Frederick J. Shon
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Eugene Holler, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esquire
6935 Laurel Avenue, Suite 204
Takoma Park, MD 20912

W. H. Arnold
President
Louisiana Energy Services, L.P.
2600 Virginia Avenue, N.W., Suite 608
Washington, DC 20037

Peter G. LeRoy
Licensing Manager
LES - c/o Duke Engineering and
Services, Inc.
PO Box 1004
Charlotte, NC 28201

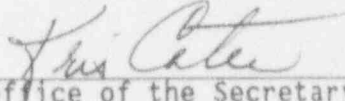
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J. Michael McGarry, III, Esq.
Counsel for LES
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005

Nathalie M. Walker, Esq.
Robert B. Wiygul, Esq.
Sierra Club Legal Defense Fund, Inc.
400 Magazine Street, Suite 401
New Orleans, LA 70130

Ronald Wascom
Deputy Assistant Secretary
Office of Air Quality & Rad. Protection
Dept. of Environmental Quality
P.O. Box 82135
Baton Rouge, LA 70884

Dated at Rockville, Md. this
21 day of April 1994


Office of the Secretary of the Commission