

June 2, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

June 8, 2004 (3:46PM)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

Louisiana Energy Services, L.P.

(National Enrichment Facility)

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Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

STATUS REPORT ON PROPRIETARY INFORMATION
RELATING TO AGNM TECHNICAL CONTENTION (TC)-II

In accordance with the Licensing Board's June 1, 2004 Memorandum and Order (Granting Motion for Leave to File Surreply; Requesting Status on Proprietary Material Disclosure), LES hereby files this status report regarding its efforts to provide certain proprietary information to the Attorney General of New Mexico ("AGNM"). Specifically, in Part II of its Memorandum and Order, the Board requested that LES provide it with a status update regarding when and how the proprietary information relating to AGNM Technical Contention (TC)-ii has or will be provided to the AGNM.¹

LES has not yet provided the subject proprietary information to the AGNM, but is endeavoring to do so as expeditiously as possible. Because the information is subject to the ownership and control of parties other than LES, LES needs appropriate authorizations from each of those entities before it can release the information to the AGNM. Once it has obtained

¹ The information will be provided to the AGNM pursuant to the Protective Order issued by the Board on May 21, 2004. See Memorandum and Order (Protective Order Governing Disclosure of Protected Materials) (unpublished) (May 21, 2004). As the Board noted in its June 1, 2004 Memorandum and Order, the AGNM has submitted a series of nondisclosure declarations in accordance with the terms of the Protective Order.

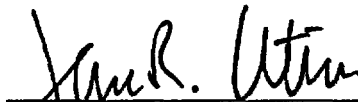
the necessary approvals, LES will provide the requested proprietary information to the AGNM immediately via overnight mail. LES anticipates that it will be able to provide the requested information to the AGNM by Friday, June 4, 2004.

LES recognizes that the AGNM will have seven days from the date upon which it receives the subject proprietary information to file its surreply regarding TC-ii, and that the initial prehearing conference is only two weeks away. As LES noted previously, however, the information at issue constitutes only very limited proprietary input from Urenco that LES used for the purpose of confirming the reasonableness of its cost estimate for depleted uranium disposition. This cost estimate is based on three primary publicly available sources that are referenced in the Application.² In this regard, LES reiterates its belief that the confirmatory information supplied by Urenco is not essential to understanding the bases for LES's cost

² See "Answer of Louisiana Energy Services, L.P. to New Mexico Attorney General's Motion for Extension of Time" (May 7, 2004) at 5-7.

estimate, nor to drafting a specific contention. Notwithstanding, LES will provide the requested proprietary information to the AGNM as soon as practicable and will promptly notify the Board when this occurs.

Respectfully submitted,



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Dated at Washington, District of Columbia
this 2nd day of June 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | | |
|---------------------------------|---|------------------------|
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| |) | |
| Louisiana Energy Services, L.P. |) | ASLBP No. 04-826-01-ML |
| |) | |
| (National Enrichment Facility) |) | |

CERTIFICATE OF SERVICE

I hereby certify that copies of the "STATUS REPORT ON PROPRIETARY INFORMATION RELATING TO AGNM TECHNICAL CONTENTION (TC)-II" in the captioned proceeding have been served on the following by e-mail service, designated by **, on June 2, 2004 as shown below. Additional service has been made by deposit in the United States mail, first class, this 2nd day of June 2004.

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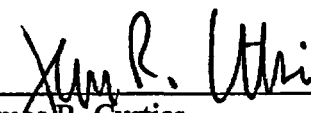
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