

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

DOCKETED
USNRC

May 25, 2004 (11:13AM)

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Paul B. Abramson
Dr. Charles N. Kelber

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

LOUISIANA ENERGY SERVICES, L.P.)

(National Enrichment Facility))

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

**RESPONSE OF THE NEW MEXICO ATTORNEY GENERAL TO THE LES
AND STAFF MOTIONS FOR LEAVE TO FILE SURREPLIES TO RESPONSE
OF NMED**

Pursuant to the May 13, 2004, Order of the Atomic Safety and Licensing Board ("Board") (Schedule for Responses to Motions for Leave to File Surreplies), and the April 15, 2004, Licensing Board Memorandum and Order (Initial Prehearing Order) at 7, requiring that a request for leave to file must "indicate whether the request is opposed or supported by the other participants to the particular proceeding," the New Mexico Attorney General ("Attorney General") files her response to LES and Staff. The Attorney General does not object to the filing of surreplies by LES and Staff if, in fact, the Board concludes that NMED has either provided new information or bases to support the admission of its contentions or has raised new issues and contentions, as have been suggested by Staff and LES. See, e.g., NRC Staff Request for Leave to File Surreply to Reply of NMED at 1 ("The Staff requests the opportunity to reply to NMED's filing

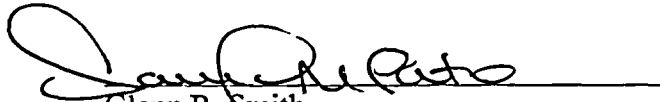
because it impermissibly raises new issues and contentions in this proceeding.”); see also Request of Louisiana Energy Services, L.P., for Leave to File a Surreply to the Reply in Support of NMED’s Petition to Intervene at 2 (noting “good cause to file a surreply” because “NMED has provided new information or bases to support the admission” of a contention).

CONCLUSION

For the reasons stated above, if the Board determines that NMED has, in fact, either provided new information or bases to support the admission of its contentions or has raised new issues and contentions, the Attorney General does not object to the filing of surreplies by LES and Staff.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the RESPONSE OF THE NEW MEXICO ATTORNEY GENERAL TO THE LES AND STAFF MOTIONS FOR LEAVE TO FILE SURREPLIES TO RESPONSE OF NMED have been served upon the following persons by electronic mail, facsimile, and/or first class U.S. mail this 17th day of May, 2004:

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