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RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket Nos. 70-3103-ML

RAS 8160

From: G Paul Bollwerk
To: HearingDocket
Date: Sat, Jul 17, 2004 7:55 AM
Subject: Fwd: RE: Conference call

Please place the attached e-mail in the hearing docket for the Louisiana Energy Services, L.P. proceeding.

Thank you.

From: "Curtiss, James" <JCurtiss@winston.com>
To: "Michael Mariotte" <nirsnet@nirs.org>
Date: Fri, Jul 16, 2004 4:24 PM
Subject: RE: Conference call

Dear Mr. Marriotte:

As I explained in my e-mail to Joseph Malherek, which was cc'd to Lindsay Lovejoy, it has proven difficult to find a time when everyone could participate in a conference call to discuss discovery, given everyone's vacation schedules (counsel for NRC and NMED advised me that they are not available the first two weeks in August). In view of the Panel's request that we meet immediately after the Order on the admissibility of contentions to discuss how we would approach discovery, as well as Judge Bollwerk's request that we apprise the Board in a telcon within a week to ten days after the Order of the status of our discussions (see pp. 280-81 of Prehearing Conference transcript), the July 20th conference call proved to be the best time for most parties, if we are to be responsive to the Panel's request. Further, in my e-mail to Lindsay Lovejoy and Joseph Malherek, I specifically noted that in view of the fact that Lindsay was unable to participate (and if there is no one else who can participate on behalf of NIRS/PC in Lindsay's absence), "nothing that we discuss or decide on Tuesday would be binding on NIRS/PC or Lindsay." My hope would be that Lindsay will be in a position to provide input on the proposed discovery plan at his earliest opportunity. Until then, I reiterate what I previously

conveyed to Lindsay and Mr. Malherek that nothing is binding on NIRS/PC or Lindsay. If we are not in a position to reflect agreement on a discovery plan at the time of the Board's conference call -- and we may not be able to given Lindsay's absence -- we will advise them of that and keep working on it, as I trust all parties are interested in achieving a consensus on how to proceed.

Finally, as you have decided to copy the Board on your e-mail, I felt compelled to do the same with this response to ensure that the entire context of the discussions is understood. Note that I am sending this e-mail to David Pato of the NMAG (he does not appear to have been listed as a recipient of your earlier e-mail), as all parties should be included on any communications with the Board. Please feel free to call me directly if you would like to discuss this further.

Jim Curtiss

-----Original Message-----

From: Michael Mariotte [mailto:nirsnet@nirs.org]

Sent: Friday, July 16, 2004 3:53 PM

To: Curtiss, James

Cc: gpb@nrc.gov; lbc@nrc.gov; cnk@nrc.gov; pba@nrc.gov; clay_clarke@nmenv.state.nm.us; Lindsay Lovejoy; Michele Boyd; Joseph Malherek

Subject: Conference call

Dear Jim Curtiss,

As Joseph Malherek of Public Citizen wrote to you, our attorney, Lindsay Lovejoy, currently is traveling overseas and is not available to participate in the conference call you have scheduled for July 20 to discuss discovery issues. Thus, we want to be clear that NIRS and Public Citizen will not be bound by any agreements or schedules reached in this conference call, as we require our legal counsel to be present in such matters. Our understanding is that a meeting already has been scheduled in Albuquerque for August 16 to discuss these issues.

Sincerely,

Michael Mariotte
Executive Director
Nuclear Information and Resource Service
nirsnet@nirs.org
202-328-0002
202-462-2183 (fax)

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CC: <gpb@nrc.gov>, <lbc@nrc.gov>, <cnk@nrc.gov>, <pba@nrc.gov>, <clay_clarke@nmenv.state.nm.us>, "Lindsay Lovejoy" <lindsay@lindsaylovejoy.com>, "Michele Boyd" <mboyd@citizen.org>, "Joseph Malherek" <jmalherek@citizen.org>

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From: G Paul Bollwerk

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