

December 22, 2004

Administrative Judge Paul Bollwerk
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

Administrative Judge Paul Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

Administrative Judge Charles Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

In the Matter of
LOUISIANA ENERGY SERVICES, L.P.
(National Enrichment Facility)
Docket No. 70-3103-ML

Dear Administrative Judges:

This is to inform the Board of the circumstances regarding the Staff's ability to comply with the Board's directive in the Order of December 21, 2004, to provide parties with the complete hearing file in CD form. The Staff does not currently have the complete hearing file on CDs. In order to create CDs with documents in the hearing file, the Staff must separately open each one in ADAMS, download it to a hard drive and then copy it to the disc. While the Staff has been working diligently to accomplish this, it is a time consuming process. At the same time, the Staff is working to redact all of the sensitive documents in the hearing file as soon as possible.

Based on an assessment of the resources required to complete this process, the Staff has determined that it will not be able to provide the complete hearing file on CD today. Thus, the Staff is unable to comply with the Board's Order with respect to the New Mexico Attorney General and Louisiana Energy Services, both of whom have submitted confidentiality and non-disclosure agreements by 3:00pm today. However, the Staff does expect to provide later today, by separate letter, CDs containing all sensitive documents in the hearing file to those parties by express mail. In addition, the Staff sent CDs to all the parties of a large number of the non-sensitive documents on December 20. In view of the fact that the Staff will have, by the close of business today, provided a large portion of the hearing file, the Staff proposes providing CDs with the remaining documents on Monday, December 27, 2004. Once the CDs have been created, the Staff should be able to comply with the Board's Order with respect to any additional agreements which are received.

Judge Bollwerk
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Judge Kelber

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In view of these circumstances, the Staff requests that the Board allow the Staff to proceed as described above. As explained, the Staff will be able to provide parties who have completed confidentiality and non-disclosure agreements all documents in the hearing file on CD by December 27, 2004.

Sincerely,

/RA/

Lisa B. Clark
Counsel for NRC Staff

cc: Tannis Fox, Esq.
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Office of the Secretary
Atomic Safety and Licensing Board Panel