

December 23, 2004
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

December 23, 2004 (2:12pm)

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))

) Docket No. 70-3103-ML

) ASLBP No. 04-826-01-ML

LOUISIANA ENERGY SERVICES, L.P. RESPONSE TO NEW MEXICO ENVIRONMENT
DEPARTMENT SUPPLEMENT TO MOTION TO FILE LATE CONTENTIONS

On December 17, 2004, New Mexico Environment Department ("NMED") filed a supplement to its prior filings seeking admission of certain late-filed contentions on waste disposal and waste classification.¹ NMED's Supplement addresses the same issue remanded to the Atomic Safety and Licensing Board ("Licensing Board") by the Commission by Memorandum and Order of December 8, 2004, CLI-04-35.² Louisiana Energy Services, L.P. ("LES") previously addressed the remanded issue in a filing of December 17, 2004.³ However, by scheduling order also dated December 17, 2004,⁴ the Licensing Board invited further responses to NMED's Supplement. LES offers this response.

¹ "NMED's Supplement to Motion to File Late Contentions," dated December 17, 2004 ("NMED's Supplement").

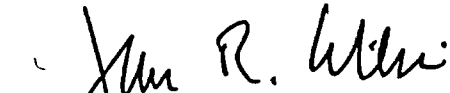
² *Louisiana Energy Services, L.P.* (National Enrichment Facility), CLI-04-35, 60 NRC ____ (Dec. 8, 2004) (slip op.).

³ "Louisiana Energy Services, L.P. Response in Connection with Matters Remanded in CLI-04-35," dated December 17, 2004 ("LES Response").

⁴ "Order (Schedule for Responses to Supplement to Late-Filed Contentions Motion)," December 17, 2004.

NMED's Supplement addresses the question of the admissibility of the late-filed NMED contentions, discussing the criteria (such as "good cause" for late-filing) of 10 C.F.R. §§ 2.309(c) and (f)(2). As explained in the prior LES Response (at 2-3), the Licensing Board has ruled on that issue in its Memorandum and Order of November 22, 2004.⁵

Respectfully submitted,



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Dated at Washington, District of Columbia
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⁵ "Memorandum and Order (Ruling on Late-Filed Contentions)," November 22, 2004.

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NUCLEAR REGULATORY COMMISSION

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In the Matter of:

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Docket No. 70-3103-ML

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "LOUISIANA ENERGY SERVICES, L.P. RESPONSE TO NEW MEXICO ENVIRONMENT DEPARTMENT SUPPLEMENT TO MOTION TO FILE LATE CONTENTIONS" in the captioned proceeding have been served on the following by e-mail service, designated by **, on December 23, 2004 as shown below. Additional service has been made by deposit in the United States mail, first class, this 23rd day of December 2004.

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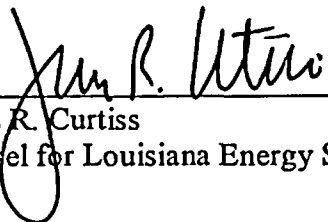
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