

RAS 10153

July 7, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

July 7, 2005 (3:11pm)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

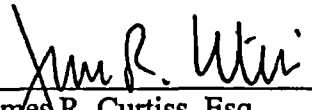
MOTION ON BEHALF OF LOUISIANA ENERGY SERVICES, L.P. TO DEFER RULING  
ON SETTLEMENT AGREEMENT

On June 23, 2005, the New Mexico Attorney General ("NMAG"), the New Mexico Environment Department ("NMED"), and Louisiana Energy Services, L.P. ("LES") submitted a Joint Motion for Approval of Settlement Agreement to the Atomic Safety and Licensing Board ("Board") for approval. Pursuant to a Board Order regarding responses,<sup>1</sup> the Nuclear Regulatory Commission Staff ("Staff") submitted a response on July 5, 2005 objecting to the agreement and requesting the Board not approve the settlement. On July 5, 2005, the Nuclear Information and Resource Service and Public Citizen ("NIRS/PC") filed a response that did not object to the Settlement Agreement, but noted concerns related to ensuring that the Settlement Agreement not preclude NIRS/PC's right to pursue its contentions. LES hereby informs the Board that it intends to evaluate the Staff's comments and to continue discussions with the interested parties to ascertain whether there is an opportunity to reach resolution. The Staff concurs in this motion. The NMAG and NMED concur in this motion in order to give them additional time to conduct further review and an opportunity to confer with their principals. Counsel for LES was unable to reach counsel for NIRS/PC.

<sup>1</sup> Order (Schedule for Responses to Joint Motion to Approve Settlement) (June 27, 2005).

LES recognizes that 10 C.F.R. § 2.338(i) requires that after a notice of hearing has been issued, any settlement agreement between the parties must be approved by the Board. Accordingly, LES respectfully requests that the Board defer ruling on the Joint Motion of June 23, 2005. In the event that such resolution is not feasible, LES may request the opportunity to file a motion for leave to file a reply to the Staff's response dated July 5, 2005.

Respectfully submitted,

  
James R. Curtiss, Esq.  
David A. Repka, Esq.  
Martin J. O'Neill, Esq.  
Amy C. Roma, Esq.  
WINSTON & STRAWN LLP  
1700 K Street, N.W.  
Washington, DC 20006-3817  
(202) 282-5000

John W. Lawrence, Esq.  
LOUISIANA ENERGY SERVICES, L.P.  
100 Sun Avenue, NE  
Suite 204  
Albuquerque, NM 87109

Dated at Washington, District of Columbia  
this 7th day of July 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of:

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT" in the captioned proceeding have been served on the following by e-mail service, designated by \*\*, on July 7, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 7th day of July 2005.

Chairman Nils J. Diaz  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Commissioner Edward McGaffigan, Jr.  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Commissioner Jeffrey S. Merrifield  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Office of the Secretary\*\*  
Attn: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
(original + two copies)  
e-mail: HEARINGDOCKET@nrc.gov

Commissioner Gregory B. Jaczko  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Commissioner Peter B. Lyons  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Office of Commission Appellate  
Adjudication  
Mail Stop O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Ron Curry  
Tannis L. Fox, Esq.\*\*  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87502-6110  
e-mail: tannis\_fox@nmenv.state.nm.us

Administrative Judge  
G. Paul Bollwerk, III, Chair\*\*  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
e-mail: gpb@nrc.gov

Christopher D. Coppin, Esq.\*\*  
David M. Pato, Esq.\*\*  
Stephen R. Farris, Esq.\*\*  
Glenn R. Smith, Esq.\*\*  
Office of the New Mexico Attorney General  
P.O. Box Drawer 1508  
Santa Fe, NM 87504-1508  
e-mail: ccoppin@ago.state.nm.us  
e-mail: dpato@ago.state.nm.us  
e-mail: sfarris@ago.state.nm.us  
e-mail: gsmith@ago.state.nm.us

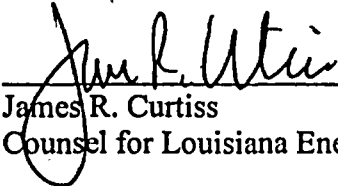
Office of the General Counsel\*\*  
Attn: Associate General Counsel for  
Hearings, Enforcement and  
Administration  
Lisa B. Clark, Esq.\*\*  
Darani M. Reddick\*\*  
David A. Cummings\*\*  
Kathleen A. Kannler, Esq.\*\*  
Mail Stop O-15D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
e-mail: OGCMailCenter@nrc.gov  
e-mail: lbc@nrc.gov  
e-mail: dmr1@nrc.gov  
e-mail: dac3@nrc.gov  
e-mail: kak1@nrc.gov

Administrative Judge  
Paul B. Abramson\*\*  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
e-mail: pba@nrc.gov

Administrative Judge  
Charles N. Kelber\*\*  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
e-mail: cnk@nrc.gov

Lindsay A. Lovejoy, Jr.\*\*  
618 Pasco de Peralta, Unit B  
Santa Fe, NM 87501  
e-mail: lindsay@lindsaylovejoy.com

Lisa A. Campagna\*\*  
Assistant General Counsel  
Westinghouse Electric Co., LLC  
P.O. Box 355  
Pittsburgh, PA 15230-0355  
e-mail: campagla@westinghouse.com

  
\_\_\_\_\_  
James R. Curtiss  
Counsel for Louisiana Energy Services, L.P.