

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NUCLEAR INFORMATION and RESOURCE)
SERVICE and PUBLIC CITIZEN,)

Petitioners,)

v.)

No. 06-1310)

UNITED STATES NUCLEAR REGULATORY)
COMMISSION and the UNITED STATES)
OF AMERICA,)

Respondents.)

MOTION FOR LEAVE TO INTERVENE AS OF RIGHT OF
LOUISIANA ENERGY SERVICES, L.P.

Pursuant to 28 U.S.C. § 2348 and Local Rule 15.2(A), Louisiana Energy Services, L.P. ("LES") hereby moves for leave to intervene as of right in this case in support of Respondents United States Nuclear Regulatory Commission ("NRC") and United States of America. As grounds for this Motion, LES states:

1. LES is the holder of Materials License SNM-2010 issued by the NRC on June 23, 2006, to construct and operate a uranium enrichment facility near the City of Eunice in southeastern New Mexico. The issuance of Materials License SNM-2010 and several underlying NRC orders are being challenged by Petitioners Nuclear Information and Resource Service and Public Citizen ("NIRS/PC").¹ LES was the license applicant

¹ NIRS/PC filed a Petition for Review in No. 06-1301 on August 15, 2006, challenging the issuance of Materials License SNM-2010 and three decisions in the Matter of Louisiana Energy Services, L.P. (National Enrichment Facility), Docket No. 70-3101-ML; CLI-05-28, 62 N.R.C. 721 (Nov. 21, 2005); CLI-06-15, 63 N.R.C. __ (slip op. June 2, 2006); and LBP-06-15, 63 N.R.C. __ (slip op. May 31, 2006). NIRS/PC filed another Petition for Review in No. 06-1310 on August 31, 2006, challenging CLI-06-22, 64 N.R.C. __ (slip op. August 17, 2006).

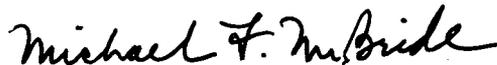
in the administrative proceedings before the NRC, and therefore has a right to intervene under 28 U.S.C. § 2348 and FRAP 15(d).

2. LES is now actively undertaking corporate and financial activities to construct and operate the National Enrichment Facility ("NEF"). Specifically, LES is hiring additional employees, making final arrangements with contractors, and signing contracts for materials and services. As a result of issuance of Materials License SNM-2010, construction activities on the NEF site are underway and will accelerate significantly over the next several months. Although the NRC is a Respondent with respect to petitions for review filed by NIRS/PC, any adverse action of this Court with respect to the license at issue or the underlying NRC decisions, including any action to enjoin, set aside, suspend, modify, or remand the same, would directly affect LES' construction and operations activities.

3. Accordingly, LES has a direct, substantial, and indeed unique interest in this case. LES' interests cannot be adequately represented by any other party.

WHEREFORE, Louisiana Energy Services, L.P. hereby seeks leave to intervene as of right in this case as an Intervenor-Respondent.

Respectfully submitted,



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General Counsel for Louisiana Energy Services, L.P.

Dated in Washington, D.C.
this 6th day of September 2006.

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CERTIFICATE OF SERVICE

I hereby certified that I have served, this 6th day of September, 2006, a copy of the foregoing Motion for Leave to Intervene as of Right of Louisiana Energy Services, L.P. on the following counsel of record:

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