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Re: NIRS/PC v. NRC, D.C. Cir. No. 06-1301, 06-1310 (consolidated)

Dear Counsel:

Under Local Rule 47.1(b), counsel are directed to advance suggestions toward the removal of confidentiality restrictions upon portions of the record. To allow judicial review to go forward openly to the maximum extent, I would like to advise you that NIRS/PC propose to present their opening brief in such form that no part of it will be subject to the confidentiality order entered by the Board and dated May 21, 2004. This is not to say that confidential passages in the transcript or portions of confidential exhibits will not be cited; to the contrary, there will be some citations to such materials, and presumably

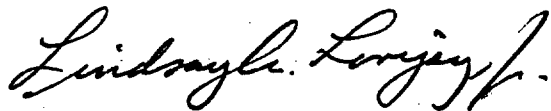
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Appendix segments containing such materials would remain confidential. However, the substance of confidential materials identified in the Joint Report dated November 15, 2005 will not be disclosed.

There is one exception that I would like to raise with counsel. Two NIRS/PC exhibits—number 190 and number 224—have been identified as proprietary, largely because they refer to cost data that LES deems sensitive. NIRS/PC would like to be able to refer in our briefs to contents of those exhibits, other than cost data. I see no reason, for example, why Dr. Makhijani's modeling efforts addressing radioactivity releases should be proprietary to LES or kept from public view. Accordingly, I request that counsel concur that portions of those reports other than cost information be allowed to be disclosed in the briefs.

Please advise whether this approach is acceptable. If you have any questions, please let me know.

Very truly yours,

A handwritten signature in cursive script, reading "Lindsay L. Longley". The signature is written in black ink and is positioned below the typed name.