

# LEBOEUF, LAMB, GREENE & MACRAE LLP

NEW YORK  
WASHINGTON, D.C.  
ALBANY  
BOSTON  
CHICAGO  
HARTFORD  
HOUSTON  
JACKSONVILLE  
LOS ANGELES  
SAN FRANCISCO

1875 CONNECTICUT AVE., N.W.  
SUITE 1200  
WASHINGTON, D.C. 20009-5728  
(202) 986-8000  
FACSIMILE: (202) 986-8102

E-MAIL ADDRESS: MICHAEL.MCBRIDE@LLGM.COM

WRITER'S DIRECT DIAL: (202)986-8050

WRITER'S DIRECT FAX: (202)956-3254

LONDON  
A MULTINATIONAL  
PARTNERSHIP  
PARIS  
BRUSSELS  
JOHANNESBURG  
(PTY) LTD.  
MOSCOW  
RIYADH  
AFFILIATED OFFICE  
ALMATY  
BEIJING

March 9, 2007

VIA FACSIMILE

Lindsay A. Lovejoy, Jr., Esq.  
618 Paseo de Peralta, Unit B  
Santa Fe, NM 87501

Re: Nuclear Information and Resource Service, et al. v. NRC,  
D.C. Cir. Nos. 06-1301 and 1310 (Consolidated)

Dear Mr. Lovejoy:

We have received your letter of March 2, 2007, and appreciate your effort to resolve issues concerning confidentiality among counsel. Of course, as you recognize, the Court wishes that parties avoid the filing of briefs and appendices under seal if possible. Accordingly, Louisiana Energy Services, L.P. ("LES") appreciates NIRS/PC's effort to avoid the filing of its Brief without discussion of protected material, and without references to protected material that would disclose protected material. We accept your representation that NIRS/PC's Brief will meet those standards. If it is necessary to include protected material in the Joint Appendix, a separate, non-public volume containing only such material should satisfy the Court's Local Rules.

As for your specific question about Exhibit Nos. 190 and 224, LES would not object if NIRS/PC avoids reference to or discussion of LES's confidential information in its Briefs. (LES's cost information is likely to be the primary proprietary material in NIRS/PC Exhibit Nos. 190 and 224.) However, LES is unable to conclusively make such a determination without reference to the specific portions of the Exhibits that NIRS/PC wishes to cite in its Brief.

As I am sure you recall, there is an applicable protective order which was entered by the Atomic Safety and Licensing Board and is still in effect. In order to maintain compliance with that protective order (specifically, Paragraphs P and R), LES believes that NIRS/PC should identify those specific portions of the Exhibits that it wishes to cite in its Brief. Alternatively, NIRS/PC could provide a redacted version of those Exhibits and provide those to counsel for

Lindsay A. Lovejoy, Jr., Esq.

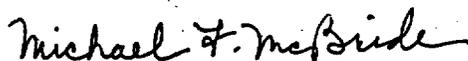
March 9, 2007

Page 2

LES. If we on behalf of LES agree that the specific portion of the Exhibits or the redacted versions may be made public, we could jointly notify the Licensing Board of our agreement consistent with the protective order. On behalf of LES, and in order to be certain to maintain the briefing schedule in the Court of Appeals, we hereby pledge to respond promptly to any such request. If NIRS/PC relied only on redacted Exhibits, approved redacted versions could be included in the public Joint Appendix, avoiding the necessity of a separate filing under seal of a volume of the Joint Appendix. Only if LES (or the NRC Staff) do not concur with the NIRS/PC's redactions would NIRS/PC would be obligated to seek a ruling from the Licensing Board or the Commission.

Because we are communicating now about the Briefs and Appendices, let me take this opportunity to say that LES cannot at this time know what needs to be included in the Joint Appendix, until it has seen NIRS/PC's Brief. Please anticipate, however, that we will ask NIRS/PC to include in the Joint Appendix every record document cited in the NRC's Brief and in LES's Brief.

Sincerely yours,



Michael F. McBride

*Counsel for Louisiana Energy Services, L.P.*

cc: All Counsel of Record