

May 19, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	Docket No. 70-3103-ML
)	
Louisiana Energy Services, L.P.)	ASLBP No. 04-826-01-ML
)	
(National Enrichment Facility))	

MOTION FOR PROTECTIVE ORDER OF LOUISIANA ENERGY SERVICES, L.P.

In accordance with the Atomic Safety and Licensing Board's "Memorandum and Order (Ruling on Request for Access to Proprietary Information)" dated May 12, 2004, Louisiana Energy Services, L.P. ("LES") hereby moves that the Licensing Board grant, for good cause shown, a protective order concerning the disclosure of confidential proprietary information in connection with this proceeding.

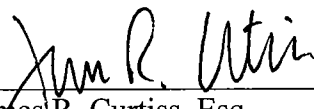
On May 11, 2004, the Attorney General of New Mexico ("AGNM") asserted that access to certain proprietary material referenced by LES in its May 3, 2004 answer and/or its December 2003 application is necessary.¹ The AGNM claims that this information, which is proprietary to Urenco, is necessary to properly plead Technical Contention (TC)-ii. In its Order of May 12, 2004, the Board directed counsel for LES, the staff, and AGNM to consult immediately and arrive at an agreement on a protective order under which the information at issue could be made available to the AGNM on an expedited basis. The Board further directed that a draft order be presented to the Board on or before Wednesday, May 19, 2004.

¹ See "New Mexico Attorney General's Response to LES' Answer Regarding Withholding Purportedly Proprietary Information Related to LES' Depleted Uranium Tails Disposition Cost Estimate," dated May 11, 2004.

Accordingly, attached hereto is a copy of the proposed Protective Order, which includes a form of a Confidentiality and Non-Disclosure Agreement to be executed by the AGNM if she is seeking access to confidential proprietary information.

Counsel for the AGNM and the NRC Staff have indicated that they have no objection to this Protective Order. In addition, counsel for LES consulted with counsel for the New Mexico Environment Department and for Nuclear Information and Resource Service/Public Citizen, and they indicated that they have no objection to this Protective Order.

Respectfully submitted,



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Dated at Washington, District of Columbia
this 19th day of May 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Paul B. Abramson
Dr. Charles N. Kelber

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MEMORANDUM AND ORDER
(Protective Order)

Upon consideration of the motion of Louisiana Energy Services, LP (“LES”), for approval of a proposed protective order to govern the use and dissemination of proprietary or other Protected Materials in this proceeding, in which the New Mexico Attorney General, the Nuclear Regulatory Commission (“NRC”) staff, the New Mexico Environment Department, and Nuclear Information Resource Service/Public Citizen concur, we grant the motion and adopt a protective order, the terms of which are as follows:

- A. This protective order shall govern the use of all protected materials produced by, or on behalf of, any party to this proceeding as defined in paragraph C below. Notwithstanding any order terminating this proceeding, this protective order shall remain in effect until specifically modified or terminated by the Atomic Safety and Licensing Board ("Licensing Board") or the Commission.

