January 31, 2005

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY RULEMAKINGS AND ADJUDICATIONS STAFF

DOCKETED

USNRC

February 1, 2005 (7:30am)

In the Matter of: Louisiana Energy Services, L.P.

(National Enrichment Facility)

RAS 9314

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

JOINT REPORT ON NEED FOR CLOSED HEARING SESSIONS

In accordance with the Memorandum and Order of the Atomic Safety and Licensing Board ("Licensing Board") of January 18, 2005,¹ the parties have conferred and submit this joint report² on the issue of "whether and to what extent any of the evidentiary hearing sessions [next week] will need to be closed." The parties agree with the general objective of the Licensing Board that as much of the hearing as possible should be held in open sessions and anticipate that very limited, if any, portions of the hearing may need to be closed.

First, neither NIRS/PC nor LES has identified or offered any "sensitive" documents as exhibits. The NRC Staff has identified only one table (Table 4-21) from the Draft Environmental Impact Statement ("DEIS") that is sensitive that it may use at the evidentiary hearing, if needed to address questions that may arise. Accordingly, the parties do not see the need to close the evidentiary hearing on account of sensitive information. Rather, there may only be the need to close the hearing for a discrete and limited discussion of DEIS Table 4-21, if the issue arises.

¹ Memorandum and Order (Regarding Exhibit Submission and Other Administrative Matters), dated January 18, 2005, at Section A.9.

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² Counsel for Louisiana Energy Services, L.P. ("LES") has been authorized to file this joint report on behalf of LES, Nuclear Information and Resource Service and Public Citizen ("NIRS/PC"), and the NRC Staff.

Second, only the testimony of LES witness Kurt Schnoebelen, on Contention EC-7, is business proprietary and protected in accordance with the Protective Order issued by the Licensing Board in this matter for proprietary information. The evidentiary hearing on this limited testimony will need to be closed (*i.e.*, for cross-examination and Licensing Board questions related to the testimony, or for any responsive testimony in which proprietary information is discussed). All other testimony can be considered in open sessions.

Finally, the parties also note as a general matter that at least a small possibility exists that additional sensitive or proprietary information would need to be discussed during an examination. The parties expect to remain vigilant and — should such a circumstance arise — will promptly identify to the Licensing Board the need to close a hearing session for a limited discussion.

Respectfully submitted,

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Dated at Washington, District of Columbia this 31st day of January 2005

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT REPORT ON NEED FOR CLOSED HEARING SESSIONS" in the captioned proceeding have been served on the following by email service, designated by **, on January 31, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 31st day of January 2005.

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

Commissioner Jeffrey S. Merrifield 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 Commissioner Edward McGaffigan, Jr. 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

Office of the General Counsel** Attn: Associate General Counsel for Hearings, Enforcement and Administration Lisa B. Clark, Esq.** Angela B. Coggins, Esq.** Darani M. Reddick** 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: abc1@nrc.gov Ron Curry, Esq. 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

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