

January 31, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

February 1, 2005 (7:30am)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:)

Louisiana Energy Services, L.P.)

(National Enrichment Facility))

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.

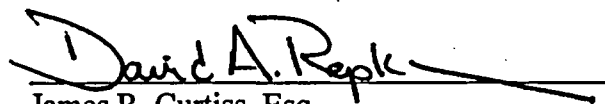
¹ Memorandum and Order (Regarding Exhibit Submission and Other Administrative Matters), dated January 18, 2005, at Section A.9.

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 Schnobelen, 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,



James R. Curtiss, Esq.
David A. Repka, Esq.
Martin J. O'Neill, Esq.
WINSTON & STRAWN LLP
1400 L Street, N.W.
Washington, DC 20005-3502
(202) 371-5700

John W. Lawrence, Esq.
LOUISIANA ENERGY SERVICES, L.P.
100 Sun Avenue, NE
Suite 204
Albuquerque, NM 87109

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

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

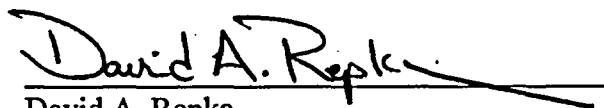
Christopher D. Coppin, Esq.**
David M. Pato, Esq.**
Stephen R. Farris, Esq.**
Glenn R. Smith, Esq.**
Office of the New Mexico Attorney General
P.O. Box Drawer 1508
Santa Fe, NM 87504-1508
e-mail: ccoppin@ago.state.nm.us
e-mail: dpato@ago.state.nm.us
e-mail: sfarris@ago.state.nm.us
e-mail: gsmith@ago.state.nm.us

Lisa A. Campagna**
Assistant General Counsel
Westinghouse Electric Co., LLC
P.O. Box 355
Pittsburgh, PA 15230-0355
e-mail: campagla@westinghouse.com

Administrative Judge
Paul B. Abramson**
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
e-mail: pba@nrc.gov

Administrative Judge
Charles N. Kelber**
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
e-mail: cnk@nrc.gov

Lindsay A. Lovejoy, Jr.**
618 Pasco de Peralta, Unit B
Santa Fe, NM 87501
e-mail: lindsay@lindsaylovejoy.com


David A. Repka
Counsel for Louisiana Energy Services, L.P.