

September 12, 2004

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

September 13, 2005 (7:38am)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

**JOINT REPORT OF PARTIES REGARDING - (i) PROPOSED SCHEDULE FOR EVIDENTIARY PRESENTATIONS ON REMAINING NIRS/PC CONTENTIONS; AND (ii) IDENTIFICATION AND SUBMISSION OF EXHIBITS**

During a September 12, 2005 conference call regarding the upcoming October 2005 evidentiary hearings, counsel for Louisiana Energy Services, L.P. ("LES"), Nuclear Information and Resource Service and Public Citizen ("NIRS/PC"), and the NRC Staff (collectively, "the Parties") discussed a proposed sequence for evidentiary presentations on the remaining three NIRS/PC contentions, as well as a proposed schedule for the identification and submission of exhibits.

With regard to the proposed sequence for evidentiary presentations, given the interrelated nature of the issues raised in those contentions, all of which pertain to the dispositioning of depleted uranium ("DU") by LES, the Parties suggest the use of a topical approach. Specifically, the Parties propose that, as to the issues currently scheduled to be litigated in the October evidentiary hearing, the parties present testimony and evidence on those issues in the following order: (1) deconversion of DU (plausibility and estimated cost); (2) transportation of DU (estimated cost); (3) disposal of DU (plausibility and estimated cost ; and (4) the contingency factor applied by LES to its overall DU dispositioning cost estimate. With

respect to each of the foregoing issues, LES will present its testimony and evidence first, followed by the NRC Staff and NIRS/PC, respectively. The Parties will complete their evidentiary presentations on each issue before proceeding to the next topic.

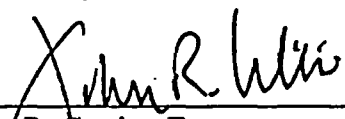
During the conference call, the Parties also discussed the identification and production of exhibits. Based on those discussions, the Parties propose the following approach. At the time the Parties submit their prefiled direct testimony on September 16, 2005, each party will provide to the Board a list of exhibits referenced in that party's prefiled direct testimony. The Parties will provide hard copies of their preliminarily marked exhibits on September 23, 2005. In the event that the Parties seek to proffer additional exhibits in connection with their prefiled rebuttal testimony, they likewise will provide a list of those exhibits at the time they file the testimony (*i.e.*, seven (7) days after the Board's ruling on any motions in limine or as otherwise directed by the Board). The Parties would then provide hard copies of any rebuttal-related exhibits three (3) business days after the rebuttal testimony is filed. With respect to all exhibits, the Parties intend to consult with each other in advance to minimize any duplication of exhibits. Any exhibits to be used solely for the purpose of cross-examination of a witness would be identified and produced at the time of the cross-examination of that witness.

Unless directed otherwise by the Board, each party will provide the Board three (3) hard copies of their pre-marked exhibits. With respect to all exhibits that are officially marked for admission into evidence (*i.e.*, "stamped") at the time of the evidentiary hearing, the Parties will provide the Board a total of three (3) hard copies.

Finally, based on their discussions, the Parties presently anticipate that they will complete all evidentiary presentations on the remaining contested issues in three, to possibly four, days. Counsel for NIRS/PC and the NRC Staff have authorized counsel for LES to submit this joint report on their behalf.

Consistent with the foregoing, the parties respectfully propose that the Board endorse the recommendations set forth herein.

Respectfully submitted,

  
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Dated at Washington, District of Columbia  
this 12<sup>th</sup> day of September 2005

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)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT REPORT OF PARTIES REGARDING (i) PROPOSED SCHEDULE FOR EVIDENTIARY PRESENTATIONS ON REMAINING NIRS/PC CONTENTIONS, AND (ii) IDENTIFICATION AND SUBMISSION OF EXHIBITS" in the captioned proceeding has been served on the following by e-mail service, designated by \*\*, on September 12, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 12th day of September 2005.

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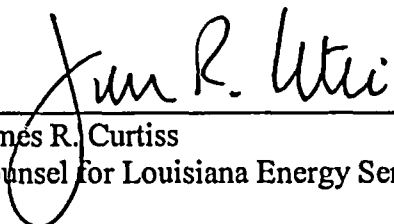
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