

December 16, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

December 19, 2005 (8:05am)

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 REGARDING JANUARY 2006 EVIDENTIARY HEARING

This joint report, submitted on behalf of Louisiana Energy Services, L.P. ("LES"), Nuclear Information and Resource Service and Public Citizen ("NIRS/PC"), and the NRC Staff (collectively, "the parties"), is in response to the Licensing Board's December 13, 2005 Memorandum and Order (Ruling on Motion to Supplement Record).¹ In that Memorandum and Order, the Board established a specific schedule for the conduct of additional proceedings relative to the supplemental material (proposed LES Exhibit 118) that LES has sought to introduce into the evidentiary record of this proceeding. In doing so, the Board requested that the parties provide (1) a proposed schedule for conducting the hearings during the week of January 23, 2006, with the hearings to take two days or less and to conclude no later than January 26, 2006; and (2) an assessment of whether that evidentiary hearing could be conducted in open session.

¹ Counsel for NIRS/PC and the NRC Staff have authorized counsel for LES to file this joint report on their behalf.

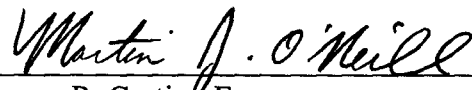
The parties have conferred and propose as follows. LES and the NRC Staff, consistent with the time frame specified by the Board, propose that the additional evidentiary session be held on January 25-26, 2006. NIRS/PC, however, respectfully submit that to schedule hearings on January 25 and 26 would effectively make it impossible for NIRS/PC to participate in such hearings. Dr. Makhijani is NIRS/PC's expert witness on issues involving depleted uranium deconversion and would be prepared to testify at the forthcoming hearings on questions involving the cost of capital for a deconversion facility and costs of management of depleted uranium cylinders. Dr. Makhijani is also a member of the audit team that is providing technical support to the Presidential Advisory Board on Radiation and Worker Health, which is charged with overseeing implementation of the Energy Employees Occupational Illness Compensation Program Act. The Advisory Board is scheduled to meet in Oak Ridge, Tennessee, on January 24 through 26, 2006. This meeting was scheduled in October 2005. Dr. Makhijani is required to attend these sessions in connection with providing technical support to the Board. Among other things, he is the Task Manager for review of Special Exposure Cohort ("SEC") Evaluations performed by the National Institute of Occupational Safety and Health. He will likely be presenting two reports, of which he is the principal author, regarding SEC issues, to the Advisory Board, at the January 24-26 meeting. A NIOSH evaluation for the Y-12 Plant is expected to be on the agenda, and it is also essential that Dr. Makhijani be present during that discussion.

Accordingly, NIRS/PC respectfully request that the Board consider scheduling the forthcoming hearings on any two days that are convenient for the Board in the week beginning January 30, to permit Dr. Makhijani to attend on behalf of NIRS/PC.²

² LES notes that it has certain conflicts during the week of January 30, 2006.

The parties agree with the Board that no more than two days should be required to complete the session. The parties also agree that the hearing likely will need to be closed to the public, given the anticipated need to present proprietary testimony and evidence (particularly with respect to the issue of cylinder management costs).

Respectfully submitted,



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Dated at Washington, District of Columbia
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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT REPORT REGARDING JANUARY 2006 EVIDENTIARY HEARING" in the captioned proceeding has been served on the following by e-mail service, designated by **, on December 16, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 16th day of December 2005.

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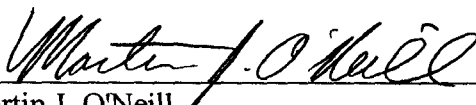
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