

November 10, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
HONEYWELL INTERNATIONAL INC.)	Docket No. 40-3392
)	
(Metropolis Works Uranium)	ASLBP No. 11-910-01-MLA-BD01
Conversion Facility))	

JOINT STATEMENT REGARDING FILINGS DUE NOVEMBER 14, 2011

Under the Board's initial schedule for this proceeding, next Monday, November 14, 2011, is the deadline for motions in limine, cross-examination motions, and proposed questions for witnesses at the oral hearing. The NRC Staff and Honeywell have agreed to this joint statement regarding next Monday's filings.

As reflected in the initial and rebuttal statements of position, the Staff and Honeywell disagree over the nature of the exemption request that is subject to Board review and the time period that is relevant to the hearing. Based on this disagreement, the parties also disagree over what evidence is relevant to the issue before the Board. The Staff believes that much of the recent financial data cited in Honeywell's testimony, and many of Honeywell's exhibits, are irrelevant to whether the Staff properly denied the 2009 exemption request. Honeywell disagrees and views the hearing as part of the still-ongoing NRC review of the exemption request.

Notwithstanding this disagreement, the Staff and Honeywell agree that motions in limine are unnecessary. The statements of position present the Staff's and Honeywell's opposing views on the scope of the issue before this Board and the information relevant to that issue.

Motions in limine would therefore largely repeat arguments already before the Board.

Accordingly, the Staff and Honeywell agree to not file motions in limine at this time. This agreement, however, is without prejudice to either party's ability to argue, either at the hearing or in any post-hearing brief, that certain evidence is irrelevant or immaterial to the Board's decision. This agreement is also without prejudice to either party's ability to provide further legal support for its position on the nature of the exemption, scope of review, or relevant time period.

Regarding the other filings due November 14, 2011, neither the Staff nor Honeywell intends to file a motion for cross-examination. Each party does intend to file proposed questions, which the Staff and Honeywell will submit in camera through the NRC's Electronic Information Exchange.

Respectfully submitted,

*/Signed (electronically) by/
Patricia A. Jehle*

Michael J. Clark
Patricia A. Jehle
Emily L. Monteith
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 10th day of November 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
HONEYWELL INTERNATIONAL INC.)	Docket No. 40-3392-MLA
)	ASLBP No. 11-910-01-MLA-BD01
)	
(Metropolis Works Uranium)	
Conversion Facility))	Date: November 10, 2011

CERTIFICATE OF SERVICE

I hereby certify that copies of the "JOINT STATEMENT REGARDING FILINGS DUE NOVEMBER 14, 2011" have been served through the Electronic Information Exchange (EIE) this 10th day of November 2011, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for this proceeding.

***/Signed (electronically) by/
Patricia A. Jehle***

Patricia A. Jehle
Counsel for NRC Staff