

September 10, 2004

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

September 10, 2004 (4:14PM)

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)

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Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

THIRD JOINT STATUS REPORT OF THE PARTIES TO THE PROCEEDING

On September 3, 2004, Counsel for the NRC Staff notified the Licensing Board and other parties of the availability of the draft environmental impact statement for the proposed National Enrichment Facility ("NEF").¹ The General Schedule established for this proceeding by the Licensing Board assumed that the DEIS would be issued on September 30, 2004.² Consequently, in a September 7, 2004 Order (Request for Joint Report on Scheduling Impact), the Licensing Board requested that the parties provide the Licensing Board with a joint report outlining their views on the impact, if any, of the NRC Staff's early issuance of the NEF DEIS.³

In view of the Board's Order, counsel for the parties conducted a conference call on September 8, 2004 to discuss any potential schedular impacts associated with early issuance

¹ NUREG-1790, *Environmental Impact Statement for the Proposed National Enrichment Facility – Draft Report for Comment*, Lea County, New Mexico, Docket No. 70-3103, Louisiana Energy Services L.P., NRC/NMSS (Sept. 2004) ("NEF DEIS").

² See Memorandum and Order (Memorializing and Ruling on Matters Raised in Conjunction with August 3, 2004 Conference Call and Setting General Schedule for Proceeding), App. A (General Schedule – Louisiana Energy Services, L.P. Proceeding) (Aug. 16, 2004).

of the DEIS. Based on these discussions, the parties have agreed to adhere to the General Schedule established by the Board in Appendix A of its August 16th Order. Therefore, the parties are not requesting any Board modifications of the schedule at this time.

The parties also note that they have finalized the schedule for expert witness depositions. That schedule is consistent with the deposition period set forth in the General Schedule. A copy of the final deposition schedule is attached to this report. The parties have agreed that the attached deposition schedule will serve as reasonable notice to all parties involved for purposes of 10 C.F.R. § 2.706(a)(1).⁴ In this regard, the parties will not file individual notices of deposition pursuant to that provision. The parties believe that this is a reasonable approach given the condensed nature of the deposition period. by the party retaining the witness. Absent any objections or further instructions from the Board, the parties will assume that this approach is sufficient to comply with Section 2.706(a)(1). The parties have also

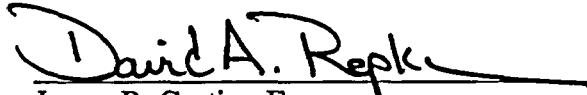
³ All parties have authorized counsel for LES to submit this joint status report.

⁴ Section 2.706(a)(1) provides that:

Any party desiring to take the testimony of any party or other person by deposition on oral examination or written interrogatories shall, without leave of the Commission or the presiding officer, give reasonable notice in writing to every other party, to the person to be examined and to the presiding officer of the proposed time and place of taking the deposition; the name and address of each person to be examined, if known, or if the name is not known, a general description sufficient to identify him or the class or group to which he belongs; the matters upon which each person will be examined and the name or descriptive title and address of the officer before whom the deposition is to be taken.

agreed that any witness fees and costs incurred in connection with these depositions will be borne.

Respectfully submitted,

A handwritten signature in black ink that reads "David A. Repka". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

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Dated at Washington, District of Columbia
this 10th day of September 2004

DEPOSITION SCHEDULE

Monday	Tuesday	Wednesday	Thursday	Friday
Sept. 13	Sept. 14	Sept. 15	Sept. 16 (NM) <i>AM:</i> Groundwater, Surface water; water supplies: G. Rice Radiation protection: S. Fitch <i>PM:</i> Radiation protection: N. Panzarino M. Strum G. Harper	Sept. 17 (NM) <i>AM:</i> Groundwater, surface water: G. Harper R. Peery <i>PM:</i> Water supplies: R. Campbell R. Peery R. Krich T. Woomer L. Stokes
Sept. 20	Sept. 21	Sept. 22	Sept. 23	Sept. 24
Sept. 27 (DC) <i>AM:</i> Feasibility Deconversion: B. Duperret R. Krich <i>PM:</i> Uranium Mine: J. Steyn R. Krich F. Brackebusch	Sept. 28 (DC) Feasibility LLW Facility: A. Rafati R. Krich	Sept. 29 (DC) <i>AM:</i> Need for facility: Sheehan <i>PM:</i> Need for facility: M. Schwartz R. Krich J. Ferland K. Schnoebelen J. Malone D. Poteralski	Sept. 30 (DC)	Oct. 1 (DC)

Monday	Tuesday	Wednesday	Thursday	Friday
Oct. 4 (DC) Cost Estimate: M. Schwartz J. Steyn R. Krich R. Fisk C. Chater J. Graham* B. Duperret	Oct. 5 (DC) Various Issues: A. Makhijani	Oct. 6 (DC) Various Issues: A. Makhijani	Oct. 7	Oct. 8 (DC) Cost-Contingency Factor: DUF6: M. Schwartz J. Steyn Facility: J. Kay L. Lessard R. Krich
Oct. 11	Oct. 12 (DC) PM: DUF6 as LLW: M. Strum G. Harper R. Krich T. Potter Natural Gas: G. Harper	Oct. 13 (DC) AM: Various Issues: C. Komanoff PM: CEC & Urenco cost estimates: G. Messenger	Oct. 14 (DC) Various Issues: C. Komanoff	Oct. 15 (DC)

* Or alternate

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Louisiana Energy Services, L.P.)	ASLBP No. 04-826-01-ML
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(National Enrichment Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Third Joint Status Report Of The Parties To The Proceeding" in the captioned proceeding have been served on the following by e-mail service, designated by **, on September 10, 2004 as shown below. Additional service has been made by deposit in the United States mail, first class, this 10th day of September 2004.

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Washington, DC 20555-0001

Commissioner Edward McGaffigan, Jr.
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Commissioner Jeffrey S. Merrifield
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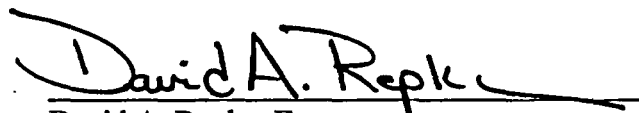
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