

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))	

SECOND JOINT STATUS REPORT OF THE PARTIES TO THE PROCEEDING

On August 16, 2004, counsel for Louisiana Energy Services, L.P., Nuclear Information and Resource Service/Public Citizen , the NRC Staff by phone, the New Mexico Environment Department, and the Attorney General of New Mexico (collectively, the “parties”) convened in Santa Fe, New Mexico to discuss a number of issues. Among other things, the parties discussed the identification and deposition of expert witnesses, mandatory disclosure of documents, and settlement of contested issues. In accordance with representations made during the parties’ August 3, 2004 conference call with the Licensing Board, the parties are apprising the Board of the principal outcome of the Santa Fe discussions.¹

As a result of the August 16th meeting, the parties have developed a proposed deposition schedule. The proposed schedule coincides with the deposition period set forth in Appendix A of the Licensing Board’s Memorandum and Order (Memorializing and Ruling on Matters Raised in Conjunction with August 3, 2004 Conference Call and Setting General

¹ All parties have authorized counsel for LES to submit this joint status report.

Schedule for Proceeding) of August 16, 2004. Accordingly, the parties will conduct depositions between September 13 and October 15, 2004 in New Mexico and Washington, D.C. To accommodate this schedule, witnesses will be deposed principally as panels of witnesses, where applicable.

At this juncture, the parties are still confirming witness availability. The parties intend to finalize the proposed deposition schedule in the near future, and will furnish the Licensing Board with a copy of that schedule. Further, the parties have agreed that the final deposition schedule will serve as reasonable notice to all parties involved for purposes of 10 C.F.R. § 2.706(a)(1).² In this regard, the parties will not file individual notices of deposition pursuant to that provision.

Although the parties further discussed possible settlement of issues at the meeting, there is no additional progress to report at this time.

The parties will continue to inform the Licensing Board of any significant schedular-related developments.

² 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.

Respectfully submitted,

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Dated at Washington, District of Columbia
this 26th day of August 2004

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "SECOND 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 August 26, 2004 as shown below. Additional service has been made by deposit in the United States mail, first class, this 26th day of August 2004.

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