

May 24, 2006

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of

Docket No. 70-3103

Louisiana Energy Services, L.P.
National Enrichment Facility

ASLBP No. 04-826-01-ML

**DECLARATION OF PAUL V. GUNTER
IN SUPPORT OF
MOTION ON BEHALF OF
NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN
FOR DISQUALIFICATION OF COMMISSIONER**

Paul V. Gunter, under penalty of perjury, states as follows:

1. I am Paul V. Gunter, Director of the Reactor Watchdog Project of Nuclear Information and Resource Service, an Intervenor in this proceeding.
2. This Declaration is submitted in support of the Motion on behalf of Nuclear Information and Resource Service and Public Citizen (“NIRS/PC”) for Disqualification of Commissioner, filed this date.
3. On May 2, 2006, I participated, at the invitation of the Nuclear Regulatory Commission (the “Commission”), in a day-long public hearing by the Commission concerning the status of Emergency Planning Activities. In the course of the hearing, Commissioner McGaffigan made certain remarks, which appear at pages 56 through 58 of the transcript of the hearing. Those pages are attached hereto.

4. Based upon Commissioner McGaffigan's statements, I believe that he is biased and prejudiced against NIRS. Based upon such statements I also believe that he is biased and prejudiced against Dr. Arjun Makhijani, who is closely identified with NIRS/PC in this proceeding, since he is the expert witness for NIRS/PC in this proceeding on issues involving radiation.
5. For the reasons stated herein and in the accompanying Motion, I submit that Commissioner McGaffigan is subject to disqualification under the standards of 28 USC 144 and 455 and should not participate in this case. I submit, further, that Commissioner McGaffigan should consider whether he should disqualify himself in any other proceedings in which NIRS is a party.

Signed:

Paul V. Gunter (date)

CERTIFICATE OF SERVICE

Pursuant to 10 CFR § 2.305 the undersigned attorney of record certifies that on May 24, 2006, the foregoing Declaration of Paul V. Gunter in Support of Motion on behalf of Nuclear Information and Resource Service and Public Citizen for Disqualification of Commissioner was served electronically and by first class mail upon the following:

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