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## **Public Interest Groups Appear in Federal Appeals Court to Challenge License for Proposed New Mexico Uranium Enrichment Plant**

### ***Louisiana Energy Services' Project Would Violate Law and NRC Safety Regulations***

WASHINGTON, D.C. – The Nuclear Information and Resource Service (NIRS) and Public Citizen today appeared before the United States Court of Appeals for the D.C. Circuit to challenge the legality of the license for Louisiana Energy Services' (LES) proposed uranium enrichment plant near Eunice, N.M. The Nuclear Regulatory Commission (NRC) granted the license in June 2006, despite not having decided on the classification of the depleted uranium waste the facility will create.

“The license violates NRC’s regulations because it would allow the huge quantities of hazardous radioactive waste the plant would produce to be disposed of by shallow-land burial, even though the agency’s own regulations do not allow it and radiation doses to the public would far exceed regulatory limits,” said Michael Mariotte, executive director of NIRS. “The NRC ultimately may decide that the waste is not suitable for near-surface disposal, which will cost billions of dollars, and LES hasn’t ensured that funding.”

NIRS and Public Citizen also contend that the license is illegal because the NRC issued an environmental impact statement, then decided it was incomplete and had to supplement it *after* the public hearing. But under federal law, the public must have the complete and final environmental impact statement for consideration at the time of the hearing.

“LES and the NRC are on shaky legal ground here,” said Michele Boyd, legislative director of Public Citizen’s Energy Program. “We’ve gone to the federal courts because the NRC has refused to meaningfully address the hazards this project poses to the people of New Mexico and nearby west Texas.”

LES is a consortium of European and U.S. energy companies dominated by Urenco, a group of British, Dutch and German government and corporate entities, including industry giants such as Exelon Corp., Entergy Corp., Duke Energy and Westinghouse Electric Co. Each of these companies has an interest in greater ownership of the nuclear fuel chain and formed LES to develop a new uranium enrichment facility.

LES’s license, approved on June 23, 2006, was the first issued by the NRC for a full-scale uranium enrichment plant. NIRS and Public Citizen sued the NRC challenging the license in August 2006, after nearly three years of hearings on the project before an NRC administrative law panel. Attorney Lindsay Lovejoy of New Mexico is representing the two groups.

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*Nuclear Information and Resource Service is a national information and networking center based in Takoma Park, Md., for citizens concerned about radioactive waste and nuclear power. Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C., that advocates for sustainable energy sources.*