

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

Docket No. 70-3103

Louisiana Energy Services, L.P.
National Enrichment Facility

ASLBP No. 04-826-01-ML

**SUPPLEMENT TO PETITION TO INTERVENE
ON BEHALF OF
NUCLEAR INFORMATION AND RESOURCE SERVICE
AND
PUBLIC CITIZEN**

Pursuant to the orders of the Board dated May 24, 2004 and April 15, 2004, Petitioners Nuclear Information and Resource Service and Public Citizen (“Petitioners” or “NIRS/PC”) supplement the contentions contained in their Petition to Intervene by placing them in the following categories:

Contentions of NIRS/PC

NIRS/PC Petition	Environmental Contentions	Technical Contentions	Miscellaneous Contentions
Contention 1.1: ER contains incomplete and inadequate assessment of ground water impacts.	1.		
A. Unanswered questions about subsurface hydrology: Amount of flow to alluvium, discharge point, fast paths to Chinle and Santa Rosa, age of water, presence of ground water in Chinle, depth of Santa Rosa, etc.	2.		
Contention 1.2: ER contains incomplete and inadequate assessment of impacts on water supplies.	3.		

A. Failure to discuss impact of NEF on anticipated water shortage.	4.		
Contention 2.1: Failure to present sound, reliable, plausible strategy for disposal of DUF ₆ .	5.	1.	
A. Private disposition of DUF ₆ is not a plausible strategy.	6.	2.	
B. Exhausted uranium mine is not a plausible disposal site.	7.	3.	
C. Private deconversion facility is not plausible.	8.	4.	
D. DOE disposition of DUF ₆ is not a plausible strategy; NRC has not determined that DUF ₆ is LLW; DUF ₆ is not LLW; no conversion facility will be available.	9.	5.	
Contention 2.2: ER fails to present impacts of construction and operation of deconversion and disposal facilities.	10.		
A. Failure to present impacts of deconversion plant, particularly waste disposal impacts.	11.		
B. Failure to present impacts of geologic repository.	12.		
Contention 3.1: Decommissioning cost presentations are insufficient.	13.	6.	
A. Model of European facilities is inappropriate.	14.	7.	
B. Contingency provision is inadequate; capital cost estimate is inadequate; data are withheld; cost estimates contradictory; estimate assumes waste is LLW.	15.	8.	
Contention 4.1: Costs of management and disposal of DUF ₆ are understated.	16.	9.	
A. LLNL Report estimates inappropriately use median, LLNL also assumes waste is LLW.	17.	10.	
B. LLNL Report assumes incorrect travel distances.	18.	11.	
C. LLNL Report assumes steel will be recycled; not possible if contaminated.	19.	12.	
D. LLNL Report assumes revenues from sale of CaF ₂ , but no market is shown.	20.	13.	
E. CaF ₂ may be contaminated, thus LLW.	21.	14.	
F. MgF ₂ may be contaminated, thus LLW.	22.	15.	
G. Private deconversion is not a “plausible strategy.” DOE conversion plants will be	23.	16.	

unavailable; private facility would have higher costs, is not supported by consistent demand.			
H. Private disposal is not a “plausible strategy.” No mine has been shown that is acceptable for disposal.	24.	17.	
I. Engineered trench option is not plausible; unacceptable under 10 CFR Part 61; DOE’s disposal pits have released waste.	25.	18.	
Contention 5.1: ER does not adequately weigh the costs and impacts of the NEF.	26.		
A. The application erroneously assumes that there is a need for the facility.	27.	19.	
B. The application depends on global projections of need, without showing that U.S. utilities cannot meet their needs without the NEF.	28.	20.	
C. Demand calculations do not account for license non-renewals and short renewals. (withdrawn)			
D. The application assumes that competitors will allow NEF to take market share.	29.	21.	
E. The application does not show that foreign enrichment supply is detrimental to U.S. interests or that domestic supply has specific benefits.	30.	22.	
F. The application fails to show, e.g., by a business plan, that NEF would effectively compete with existing market participants.	31.	23.	
G. The application fails to discuss the impact of NEF on non-proliferation and national security objectives of the 1993 U.S.-Russia agreement to purchase highly enriched uranium for commercial reactors.	32.	24.	
Contention 5.2: NEF would pose an unnecessary and unwarranted challenge to national security and global non-proliferation efforts; nonproliferation benefits of not constructing NEF should be considered.	33.		
A. The no-action alternative should include the environmental benefits of use of downblended uranium and reductions in mining, milling, processing and enrichment impacts. It should also consider planned	34.		

USEC additions to enrichment capacity.			
B. ER should consider the alternative of increasing the amount and pace of downblending of Russian and U.S. uranium.	35.		
C. ER should consider the alternative of declaring 600 MT or more of U.S. HEU to be surplus, as well as possible additional surplus Russian HEU.	36.		
D. ER should consider the nonproliferation benefits of removing HEU from possible diversion.	37.		
E. ER should discuss the adverse impacts of creating additional enrichment capacity, particularly on the pace of downblending.	38.		
F. ER should consider the impact, from the viewpoint of leadership by example, of constructing a new enrichment plant when the U.S. is seeking to stop other countries from building such plants.	39.		
G. ER should discuss the adverse impacts of the ownership of LES by foreign entities, particularly Urenco, which has been the source of dissemination of classified enrichment technology.	40.	25.	
H. ER should include the benefits of curtailing the spread of centrifuge technology, which is more adaptable to secret enrichment than gaseous diffusion technology.	41.		
Contention 6.1: ER does not contain a complete or adequate assessment of the impacts of accidents involving natural gas transmission facilities.	42.	26.	
A. The application assigns an erroneously low probability to a substantial gas leak or pipeline explosion.	43.	27.	
B. The criterion of probability does not reflect changes in calculations since the 2001 terrorist attacks. (withdrawn).			
C. Transportation Department regulations would require a larger explosion buffer zone than NEF plans provide.	44.	28.	
D. Leaking gas could penetrate the facility and explode. (withdrawn).			

Petitioners do not wish to adopt contentions of other intervenors.

Respectfully submitted,

Lindsay A. Lovejoy, Jr.
618 Paseo de Peralta, Unit B
Santa Fe, NM 87501
(505) 983-1800
(505) 983-0036 (facsimile)
E-mail: lindsay@lindsaylovejoy.com

Counsel for Petitioners
Nuclear Information and Resource Service
1424 16th St., N.W. Suite 404
Washington, D.C. 20036
(202) 328-0002

and

Public Citizen
1600 20th St., N.W.
Washington, D.C. 20009
(202) 588-1000

May 27, 2004

CERTIFICATE OF SERVICE

Pursuant to 10 CFR § 2.305 the undersigned attorney of record certifies that on May 27, 2004, the foregoing Supplement to Petition to Intervene on Behalf of Nuclear Information and Resource Service and Public Citizen was served by electronic mail and by first class mail upon the following:

G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: gpb@nrc.gov

Dr. Paul B. Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: pba@nrc.gov

Dr. Charles N. Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
e-mail: cnk@nrc.gov

James Curtiss, Esq.
David A. Repka, Esq.
Winston & Strawn
1400 L St.
Washington, D.C. 20005-3502
e-mail: jcurtiss@winston.com
drepka@winston.com
moneill@winston.com

John W. Lawrence
Louisiana Energy Services, L.P.
2600 Virginia Ave., N.W.
Suite 610
Washington, D.C. 20037
e-mail: jlawrence@nefnm.com

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Associate General Counsel for Hearings, Enforcement, and Administration
e-mail: OGCMailCenter@nrc.gov
lbc@nrc.gov
abc1@nrc.gov

Office of Commission Appellate Adjudication
Mail Stop O-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Clay Clarke, Esq.
Assistant General Counsel
Tannis L. Fox, Esq.
Deputy General Counsel
New Mexico Environment Department
1190 St. Francis Drive Santa Fe, NM 87502-1031
e-mail: clay_clarke@nmenv.state.nm.us
tannis_fox@nmenv.state.nm.us

Glenn R. Smith, Esq.
Deputy Attorney General
Stephen R. Farris, Esq.
David M. Pato, Esq.
Assistant Attorneys General
P.O. Drawer 1508
Santa Fe, NM 87504-1508
e-mail: dpato@ago.state.nm.us
gsmith@ago.state.nm.us
sfarris@ago.state.nm.us

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff (original and two copies)
e-mail: hearingdocket@nrc.gov

Lindsay A. Lovejoy, Jr.
618 Paseo de Peralta, Unit B
Santa Fe, NM 87501
(505) 983-1800
(505) 983-0036 (facsimile)
e-mail: lindsay@lindsaylovejoy.com

