

April 29, 2004 (12:38PM)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

LOUISIANA ENERGY SERVICES, L.P.)

(National Enrichment Facility))

Docket No. 70-3103

NMED'S AND ATTORNEY GENERAL'S SUPPLEMENT TO
PETITIONS FOR LEAVE TO INTERVENE
TO DESIGNATE SIMILAR CONTENTIONS

Introduction

The New Mexico Environment Department (NMED) and the New Mexico Attorney General (Attorney General) have each filed petitions to intervene in this matter. On April 15, 2004, the Atomic Safety and Licensing Board (Board) issued a Memorandum and Order/Initial Prehearing Order (Order) setting forth certain procedural and other requirements for this proceeding. In the Order, the Board requested that by April 23, 2004 NMED and the Attorney General identify which of each petitioner's contentions are in substance the same as one or more of the contentions of the other petitioner and, if either party wishes to adopt the contentions of the other, to do so. NMED and the Attorney General hereby respond to the Board's request to supplement.¹

NMED and the Attorney General raise in their petitions contentions that are similar or overlap, but that are not precisely the same. These similar or overlapping contentions are not contentions that NMED and the Attorney General are co-sponsoring at this time, within the

¹ In its Order, the Board also requested NMED and the Attorney General to assign separate numeric or alpha designations to each of their contentions. NMED and the Attorney General have each filed a supplement in response to this request.

meaning of 10 C.F.R. § 2.309(f)(3). Herein NMED and the Attorney General identify those contentions that are similar or overlap.

These contentions fall within two general categories: contentions with respect to the storage of the depleted uranium at the facility and contentions with respect to the adequacy of the financial assurance proposed by the applicant, Louisiana Energy Services, L.P. (LES). Specifically, contentions 5a (Technical, Environmental), and 5b (Environmental), identified in NMED's Supplement to Its Petition for Leave to Intervene (NMED's Supplement) (filed today), and contentions 4.B.i, 4.B.ii, 4.B.iii, 4.B.iv, and 4.C.i, identified in the Attorney General's Supplemental Request of the New Mexico Attorney General for Hearing and Petition to Intervene (Attorney General's Supplement) (filed today) concern the storage of depleted uranium at the facility. Contentions 5c (Technical, Environmental) and 5d (Miscellaneous), identified in NMED's Supplement, and contentions 4.A.i, 4.A.ii, and 4.C.ii, identified in the Attorney General's Supplement, concern the adequacy of the financial assurance proposed by LES.

With respect to each petitioner adopting the other's contentions: NMED does not adopt other contentions of the Attorney General. The Attorney General adopts NMED contention 5e, as set forth in NMED's Supplement.

Respectfully submitted,

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Certificate of Service

I hereby certify that a copy of the foregoing pleading was served by mail and, as indicated by an asterisk (*), by electronic mail on this 23rd day of April, 2004.

Administrative Judge*

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