

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

September 8, 2004 (11:13AM)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of

Docket No. 70-3103

Louisiana Energy Services, L.P.
National Enrichment Facility

ASLBP No. 04-826-01-ML

INITIAL DISCLOSURE PURSUANT TO
10 CFR 2.704(a)
ON BEHALF OF
PETITIONERS
NUCLEAR INFORMATION AND RESOURCE SERVICE
AND PUBLIC CITIZEN

Pursuant to 10 CFR 2.704 and the Hearing Order dated January 30, 2004, Petitioners Nuclear Information and Resource Service and Public Citizen ("NIRS/PC") hereby make the disclosure required by 10 CFR 2.704. This disclosure is made based upon the information now reasonably available to NIRS/PC. The persons listed below may be used at trial to present evidence under 10 CFR 2.711.

1. Persons likely to have discoverable information relevant to disputed issues alleged with particularity in the pleadings are as follows:

- a. George Rice
414 East French Place
San Antonio, TX 78212
(210) 737-6180

Subjects: Ground and surface water hydrology

- b. Arjun Makhijani
Institute for Energy and Environmental Research
6935 Laurel Ave., Suite 201

Takoma Park, MD 20912
(301) 270-5500

Subjects: Depleted uranium conversion and disposal

- c. Charles Komanoff
636 Broadway
Room 602
New York, NY 10012
(212) 260-5237

Subjects: Energy markets and economics of energy production; costs of
deconversion and disposal

- d. Michael F. Sheehan
33126 Callahan Road
Scappoose, OR 97056
(503) 543-7172

Subjects: Energy markets and projections; business planning

2. Documents relevant to disputed issues alleged with particularity in the pleadings are as follows. Documents not separately listed include the materials in the initial and revised applications by LES and responses to requests for additional information. In addition:

- a. Documents principally related to ground and surface water issues are:

1. Davis, S.N., and R.J.M. DeWiest, 1966, *Hydrogeology*.
2. EPA 1998, *Safe Drinking Water is in Our Hands, Existing Standards and Future Priorities*, EPA 815-F-98-007, June 1998.
3. Leedshill-Herkenhoff, Inc., John Shomaker & Associates, Inc., Montgomery & Andrews, P.A., 2000, *Lea County Regional Water Plan*, prepared for Lea County Water Users Association, December 7, 2000.
4. Linsley, R. K., Kohler, M. A., and Paulhus, J. L. H., 1958; *Hydrology for Engineers*, McGraw-Hill Book Company.
5. Louisiana Energy Services, 2003c, *National Enrichment Facility Wall Map*; December 2003, downloaded from:
<http://www.nrc.gov/materials/fuel-cycle-fac/licapp-envir-rpts.html>.
6. Nicholson, A., and A. Clebsch Jr., 1961, *Geology and Ground-Water Conditions in Southern Lea County, New Mexico*; Ground-Water

Report 6, New Mexico Bureau of Mines and Mineral Resources, 1961.

7. Walvoord, 2002, Deep Arid System Hydrodynamics, *Water Resources Research*, vol. 38, No. 12.
8. Lea County Regional Water Plan (appendices K-Q transmitted in hard copy), <http://www.seo.state.nm.us/water-info/NMWaterPlanning/regions/leacounty/leacnty-menu.html>
9. Water Supply System Study, City of Eunice, New Mexico, Ross Group Consulting Engineers, March 1999.

b. Documents principally related to deconversion and disposal strategies and costs:

1. Comments of IEER on the proposed uranium enrichment plant in New Mexico, <http://www.ieer.org/comments/uenrichnm.html>
2. Comments of IEER to the NRC on white papers presented by LES regarding the proposed enrichment plant at Hartsville, Trousdale County, Tennessee, <http://www.ieer.org/comments/LESNov02.html>
3. U.S. DOE, "Transuranic Waste", <http://web.em.doe.gov/idb97/chap3.html>
4. U.S. DOE, Depleted UF6 Guide, <http://web.ead.anl.gov/uranium/guide/index/cfm>
5. Article, Urenco's avoided disposal cost, <http://www.antenna.nl/wise/uranium/dhap991.html>
6. Poison in the Vadose Zone, Makhijani and Boyd, <http://www.ieer.org/reports/poison/toc.html>
7. Containing the Cold War Mess, Fiorovanti and Makhijani, Oct. 1997, <http://www.ieer.org/reports/cleanup/ccwm.pdf>
8. "Ohio Says N.M. Can Keep Its Nuclear Waste, Albuquerque Journal, Jan. 17, 2004.
9. DOE/EIS-0359: Final Environmental Impact Statement for construction and Operation of a Depleted Uranium Hexafluoride Conversion Facility at the Paducah, Kentucky, Site (June 2004), <http://www.eh.doe.gov/nepa/eis/eis0359/index.html>
10. DOE/EIS-0360: Final Environmental Impact Statement for Construction and Operation of a Depleted Uranium Hexafluoride Conversion "Facility at Portsmouth, Ohio, Site (June 2004), <http://www.eh.doe.gov/nepa/eis/eis360/index.html>
11. DOE, Record of Decision for construction and operation of a depleted uranium hexafluoride conversion facility at the Paducah, KY, Site, Federal Register, July 27, 2004
12. DOE, Record of Decision for construction and operation of a depleted uranium hexafluoride conversion facility at the Portsmouth, OH, Site, Federal Register, July 27, 2004.
13. LES white papers concerning licensing issues, NRC ADAMS listings ML0223500510, ML0214802980.

14. Letter, R.C. Pierson, NRC, to Rod Krich, LES (March 24, 2003).
15. Letter, W.D. Magwood, IV, DOE, to M.J. Virgilio, NRC (July 25, 2002).
16. Advanced Systems Technology, Inc. *Comments received on the proposed rule on radiological criteria for decommissioning and related documents*. NUREG/CR-6353. Washington, DC: U.S. Nuclear Regulatory Commission, March 1996.
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21. Ball, J. W., E. A. Jenne, and M. W. Cantrell. *WATEQ3: A Geochemical Model with Uranium Added*. Open-File Report 81-1183, U.S. Geological Survey, Menlo Park, California, 1981.
22. Ball, J. W., D. K. Nordstrom, and E. A. Jenne. *Additional and Revised Thermochemical Data and Computer Code for WATEQ2--A Computerized Chemical Model for Trace and Major Element Speciation and Mineral Equilibria of Natural Waters*. Water Resources Investigations WRI 78-116 (second printing), U.S. Geological Survey, Menlo Park, California, 1981.
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26. DOE/EIS-0269 Draft. U.S. Department of Energy. *Draft programmatic environmental impact statement for alternative strategies for the long-term management and use of depleted uranium hexafluoride*. DOE/EIS-0269. Germantown, MD: U.S.

- Department of Energy, Office of Nuclear Energy, Science and Technology, December 1997.
27. DOE/EIS-0269 Final. U.S. Department of Energy. *Final programmatic environmental impact statement for alternative strategies for the long-term management and use of depleted uranium hexafluoride*. DOE/EIS-0269. Germantown, MD: U.S. Department of Energy, Office of Nuclear Energy, Science and Technology, April 1999. On the Web at <http://web.ead.anl.gov/uranium/documents/nepacomp/peis/index.cfm>
 28. DOE/EM. U.S. Department of Energy Environmental Management, *Uranium Enrichment Decontamination and Decommissioning Fund: FY 2004 Congressional Budget*, online at <http://www.mbe.doe.gov/budget/04budget/content/uednd/ued&d.pdf>.
 29. DOE/EM. *Information Package on Pending Low-Level Waste and Mixed Low-Level Waste Disposal Decisions to be made under DOE's Final Waste Management Programmatic Environmental Impact Statement*. Washington, DC: United States Department of Energy, Office of Environmental Management, September 1998, online at <http://web.em.doe.gov/em30/info.html>.
 30. DOE/EM. Documents at this site: "Paths to Closure": <http://www.em.doe.gov/closure/>.
 31. DOE/IG-0642. U.S. Department of Energy, Office of Inspector General, Office of Audit Services, *Audit Report: Depleted Uranium Hexafluoride Conversion*, March 2004 (DOE/IG-0642). Online at <http://www.ig.doe.gov/pdf/ig-0642.pdf>.
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 46. General Accounting Office, *Nuclear Waste Cleanup: DOE Has Made Some Progress in Cleaning Up the Paducah Site, but Challenges Remain*, April 2004 (GAO-04-457).
 47. General Accounting Office, *Uranium Enrichment: Decontamination and Decommissioning Fund Is Insufficient to Cover Cleanup Costs*, July 2004 (GAO-04-692).
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51. Keane, M.P., D. Lillian, F.P. Falci, K.B. Sorenson and G.F. Hohnstreiter, Multipurpose Storage/Transport/Disposal Packages for DOE Nuclear Low Level Wastes: An Emerging Need and a Regulatory Challenge, *International Journal of Radioactive Materials Transport* 7(1), pp 7-12 (1996). Paper abstract at <http://www.ramtrans.org.uk/rmta/rmta1996717.html>.
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c. Documents principally related to the market for uranium enrichment services:

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3. F.L. Wehling, The Way Forward for U.S.-Russian Nonproliferation Cooperation, April 20, 2001, <http://www.cns.miis.edu/pubs/reports/wehl.htm>
4. DOE Inks Agreement to Ensure Domestic Uranium Enrichment Capacity is Maintained; Nuclear Nonproliferation Programs in Russia to Benefit, June 18, 2002, http://www.energy.gov/engine/content.do?PUBLIC_ID=13023&BT_CODE=PR_PRESSRELEASES&TT...
5. Press Release, U.S. Department of State, United States and Russia agree on New Contract Terms for the Highly-enriched Uranium

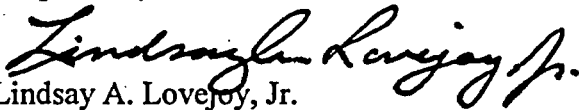
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6. USEC Inc. submission, March 28, 2001, on Implementation of the U.S.-Russian HEU Purchase Program (Megatons to Megawatts), to U.S. Senate Committee on Foreign Relations
7. Effect of U.S./Russia Highly Enriched Uranium Agreement, report to Congress on the effects of the HEU agreement on the domestic nuclear fuel industries, Dec. 31, 2001.
8. In re Hydro Resources, Inc., Dkt. No. 40-8968-ML, ASLBP No. 95-706-01-ML, Brief in Opposition to HRI Application for a Materials License.
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21. BP Statistical Review of World Energy 1998.
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Respectfully submitted,



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September 2, 2004

CERTIFICATE OF SERVICE

Pursuant to 10 CFR § 2.305 the undersigned attorney of record certifies that on September 2, 2004, the foregoing Initial Disclosure Pursuant to 10 CFR 2.704(a) on behalf of Petitioners Nuclear Information and Resource Service and Public Citizen was served by electronic mail and by first class mail upon the following:

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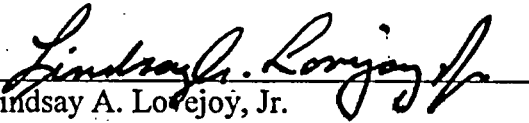
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