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DOCKETED
USNRC

October 26, 2004 (2:40PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

October 20, 2004

The Hon. Nils Diaz
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Ms. Annette L. Vietti-Cook
Secretary
U.S. NRC
Washington, D.C. 20555-0001

Re: In the Matter of Louisiana Energy Services, L.P., National Enrichment Facility, Docket No. 70-3103

Dear Chairman Diaz and Ms. Vietti-Cook:

Thank you for your reply to Governor Bill Richardson's letter concerning the state's role in the Louisiana Energy Services, L.P. (LES) application proceedings currently before the Nuclear Regulatory Commission (NRC).

While I appreciate your offer to have the NRC's technical staff meet with me in Washington, I do not see the benefit to New Mexico of meeting with another party to this ongoing proceeding. This inter-party meeting would not help us include environmental concerns in the LES licensing process. Raising these concerns is our main goal at this point and the NRC's actions to date have been our main roadblock to achieving this goal.

As stated in Governor Richardson's letter, the NRC's actions in this case have deprived the State of New Mexico of an important opportunity to assure that critical environmental issues receive comprehensive analysis in the review process.

I believe the commission's actions on this case have reflected a marked lack of respect for the vital role that states' must play on actions that will affect their citizens. By stonewalling the State of New Mexico, the NRC is limiting public involvement on important environmental issues. I am very disappointed in the message that these tactics send to the citizens of New Mexico.

The NRC's rulings on state involvement in this case have been based on a strict interpretation of newly promulgated procedural rules and not on the merits of our arguments. This is not the first time the NRC has heard complaints about these new rules. During its public process the NRC

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received many comments from citizens' groups that its proposed "rules for standing should be liberalized" while others noted the "chilling effect" these rules would create on public involvement in NRC proceedings. The NRC is currently defending these rules in federal court.

In total, these proposed rules generated 1,431 comments during the public comment period. 1,422 of these comments opposed these proposed rules while nine supported the NRC's efforts. Despite this overwhelming opposition, the NRC put these new rules into effect in February. It is sad commentary on the NRC's values that the commission seems to have ignored the voice of the public in a process governing rules that will do the same.

I strongly urge the NRC to reconsider its decision baring the State from raising important environmental issues in LES' licensing proceedings. It is imperative that the State has an opportunity to participate fully in this proceeding in order to ensure that the facility, if licensed, is operated safely and protects the citizens of New Mexico and their environment. This is an issue of local voices being heard on a subject of vast local importance.

As the State in which LES proposes to locate, New Mexico must be entitled to put forth all its positions on issues in the proceeding before the NRC, Louisiana Energy Services, L.P., National Enrichment Facility, Docket No. 70-3103.

Sincerely,

Ron Curry
Cabinet Secretary
New Mexico Environment Department

cc: Governor Bill Richardson

Certificate of Service

I hereby certify that a copy of the foregoing letter was served by mail on this 20th day of October, 2004 to:

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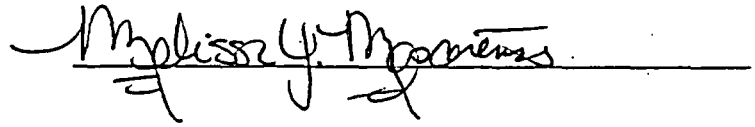
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