

RAS 9129

WINSTON & STRAWN LLP

35 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60601-9703

43 RUE DU RHONE
1204 GENEVA, SWITZERLAND

CITY POINT
1 ROPEMAKER STREET
LONDON, EC2Y 9HT

JAMES R. CURTISS
(202) 371-5751
jcurtiss@winston.com

1400 L STREET, N.W.
WASHINGTON, D.C. 20005-3502

(202) 371-5700

FACSIMILE (202) 371-5950

www.winston.com

January 6, 2005

333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071-1543

200 PARK AVENUE
NEW YORK, NEW YORK 10166-4193

21 AVENUE VICTOR HUGO
75116 PARIS, FRANCE

101 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94111-5894

DOCKETED
USNRC

January 7, 2005 (3:15pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BY FEDERAL EXPRESS

Administrative Judge G. Paul Bollwerk
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Mail Stop: T-3F23
Rockville, MD 20852

Administrative Judge Paul Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Mail Stop: T-3F23
Rockville, MD 20852

Administrative Judge Charles Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Mail Stop: T-3F23
Rockville, MD 20852

In the Matter of
LOUISIANA ENERGY SERVICES, L.P.
(National Enrichment Facility)
Docket No. 70-3103-ML

Dear Administrative Judges:

In accordance with the Board's orders of December 21, 2004 ("Memorandum and Order Ruling on Motion to Suspend Hearing Schedule") and December 30, 2004 ("Order, Schedule for Prefiled Testimony and Related Filings"), enclosed are the exhibits which Louisiana Energy Services, L.P. ("LES") expects to offer, or may offer if the need arises, during the February 2005 Evidentiary Hearing on Environmental Contentions. Certain documents, because of their voluminous nature, are being provided on CD-ROM. Hard copies of these

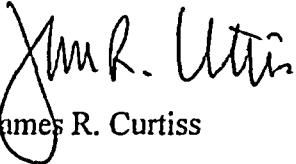
Template = sec4-028

SEC4-02

Atomic Safety and Licensing Board Panel
January 6, 2005
Page 2

documents are available and will be provided, if necessary, upon the introduction of these documents as exhibits. Proprietary documents are enclosed in separate envelopes labeled "Proprietary."

Yours sincerely,



James R. Curtiss

Enclosures

cc: Lisa Clark, Esq. (w/enclosures)
Lindsay Lovejoy, Jr., Esq. (w/enclosures)
Office of the Secretary (w/enclosures)
Christopher Coppin (w/o enclosures)
Tannis Fox (w/o enclosures)

**Louisiana Energy Services, L.P.
("LES")**

**Exhibits
NIRS/PC Contention EC-1**

**Impacts Upon Ground
and Surface Water**

January 7, 2005

Louisiana Energy Services, L.P. ("LES") Exhibits
NIRS/PC Contention EC-1 – Impacts Upon Ground and Surface Water

| LES Exhibit # | Description |
|---------------|--|
| 1* | National Enrichment Facility Environmental Report, Sections 3.3, 3.4, and 4.4 |
| 2* | National Enrichment Facility Environmental Report, Sections 6.1 and 6.2 |
| 3* | Excerpts from NEF #04-019, "Response to NRC Request for Additional Information Regarding the National Enrichment Facility Environmental Report" (May 20, 2004) (Hearing File Index document Numbers 69-71) (Sensitive Information Omitted) (on CD) |
| 4* | New Mexico Groundwater Discharge Permit Application for the National Enrichment Facility (Apr. 2, 2004) [ADAMS Accession No. ML041910445] (on CD) |
| 5* | Michelle A. Walvoord, Mitchell A. Plummer, and Fred M. Phillips, "Deep Arid System Hydrodynamics Part 1: Equilibrium States and Response Times in Thick Desert Vadose Zones," Water Resources Research, Vol. 38 No. 12 (2002) [LES-05114 to LES-05128] |
| 6* | Dutton, A. and Simpkins, W., "Hydrogeochemistry and Water Resources of the Triassic Lower Dockum Group in the Texas Panhandle and Eastern New Mexico," Report of Investigations No. 161, Bureau of economic Geology, University of Texas at Austin (1986) [LES-05014 to LES-05068] |
| 7* | Freeze, R. and Cherry, J., <i>Groundwater</i> , p. 29, Table 2.2 (1979) |
| 8* | New Mexico Environment Department, "Guidelines for Liner Material and Site Preparation for Synthetically-Lined Lagoons" (Dec. 11, 1995) [LES-00112 to LES-00114] |
| 9 | Calculation Summary Sheet, "Water Balance Tables for National Enrichment Facility" Basins (Documents Identifier 32-5047375-00) [LES-05129 to LES-05188] |
| 10 | Calculation Summary Sheet, "TEEB Soil Concentration and Integrated Liner Dose" (Document Identifier 32-2400589-00) [LES-05266 to LES-05295] |
| 11 | Analytical Report, Project CW Well, Lot #D2E290137 for Waste Control Specialists, Severn Trent Services (June 10, 2002) [LES-04378 to LES-04415] |
| 12 | "NRC Staff's Response to Interrogatories and Document Requests by Petitioners Nuclear Information and Resource Service and Public Citizen to Commission Staff," dated November 10, 2004 (pages 7-11) (concerning plume analysis calculations) |

| LES Exhibit # | Description |
|--------------------------|---|
| 13 | Analytical Report, URENCO Project, Lot #: D4H190128 (Sept. 17, 2004) [LES-05189 to LES-05265] |

Items denoted with an asterisk (*) are exhibits which LES expects to offer. Items without an asterisk are exhibits which LES may offer if the need arises.

**Louisiana Energy Services, L.P. ("LES") Exhibits
NIRS/PC Contention EC-4 – Impacts of Waste Storage**

| LES Exhibit # | Description |
|--------------------------|--|
| 14* | National Enrichment Facility Environmental Report Section 4.13.3.1, "Radioactive and Mixed Waste Disposal Plans" |
| 15* | "Final Environmental Impact statement for the Construction and Operation of Claiborne Enrichment Center, Homer, Louisiana " (NUREG-1484), pp. 4-65-66 and Appendix A |
| 16* | "Construction and Operation of a Depleted Uranium Hexafluoride Conversion Facility at the Portsmouth, Ohio Site" (DOE/EIS-0360), Vol. 1 (on CD) |
| 17* | "Construction and Operation of a Depleted Uranium Hexafluoride Conversion Facility at the Paducah, Kentucky, Site" (DOE/EIS-0359), Vol. 1 (on CD) |
| 18* | "Final Programmatic Environmental Impact Statement for Alternative Strategies for the Long-Term Management and Use of Depleted Uranium Hexafluoride" (DOE/EIS-0269), Vols. 1 and 2 (on CD) |
| 19* | Letter from John W. N. Hickey to W. Howard Arnold (September 22, 1992) |
| 20* | Letter from Eric J. Leeds to Department of Energy (October 18, 2000) |
| 21 | Electronic Correspondence re Calcium Fluoride Disposal Summary (LES-05296 to LES-05300) |

Items denoted with an asterisk (*) are exhibits which LES expects to offer. Items without an asterisk are exhibits which LES may offer if the need arises.

**Louisiana Energy Services, L.P. ("LES") Exhibits
NIRS/PC Contention EC-2 – Impacts on Water Supplies**

| LES Exhibit # | Description |
|---------------|---|
| (1)* | National Enrichment Facility Environmental Report, Sections 3.3, 3.4, and 4.4 (See Exhibit #1) |
| 22* | Letter from T. Woomer, Director of Utilities for the City of Hobbs, to J. Shaw, Lockwood Green/Louisiana Energy Services, L.P., RE: NEF Memorandum of Understanding – November 14, 2003 (Jan. 6, 2004) [LES-01163 to LES-01164] |
| 23* | Letter from J. Shaw, Lockwood Green/Louisiana Energy Services, L.P., to Honorable James Brown, Mayor of Eunice, New Mexico, "Subject: National Enrichment Facility (NEF) Memorandum of Understanding" (Jan. 21, 2004) [LES-01165 to LES-01166] |
| 24* | Lea County Water Users Association Press Release Regarding NEF Water Usage Requirements (Sept. 29, 2003) [LES-01161 LES-01162] |
| 25* | Letter from D. Dible, City Manager for the City of Hobbs, to M. Cohen, Louisiana Energy Services, regarding NEF water usage (Mar. 4, 2004) [LES-01167 to LES-01168] |
| 26* | "Final Report – Lea County Regional Water Plan," prepared for the Lea County Water Users Association by Leedshill-Herkenhoff, Inc., John Shomaker & Associates, Inc., and Montgomery & Andrews, P.A. (Dec. 7, 2000) (http://www.ose.state.nm.us/water-info/NMWaterPlanning/regions/leacounty/leacnty-menu.html) (on CD) |
| 27* | "Lea County Water Users Association Municipal Water Audit: Phase I: Building the Foundation," prepared by Smith Engineering (Dec. 2003) [LES-0170 to LES-01223] |
| 28* | Slide, "Water Use Minimization Actions," prepared for Louisiana Energy Services, L.P. by Lockwood Greene Engineering (Oct. 2003) [LES-01146] |
| 29 | "New Mexico State Water Plan" (Dec. 23, 2003) (http://www.ose.state.nm.us/water-info/NMWaterPlanning/state-water-plan.html) (without appendices) |

Items denoted with an asterisk (*) are exhibits which LES expects to offer. Items without an asterisk are exhibits which LES may offer if the need arises.

**Louisiana Energy Services, L.P. ("LES") Exhibits
NIRS/PC Contention EC-7 – Need for the Facility**

| LES Exhibit # | Description |
|------------------|---|
| 30* | National Enrichment Facility Environmental Report, Sections 1.1.1 through 1.1.3, Tables 1.1-1 through 1.1-8, and Figures 1.1-1 through 1.1-8 |
| 31* | Letter from W.D. Magwood, IV, U.S. Department of Energy, to M.J. Virgilio, U.S. Nuclear Regulatory Commission (July 25, 2002) [LES-02312 to LES-02314] |
| 32* | Staff of Senate Subcommittee of the Committee on Appropriations, 108th Congress, "Energy and Water Development Appropriations for Fiscal Year 2004," pp. 1, 45, 55-56 (Comm. Print 2003) (Mar. 12, 2003) |
| 33* | U.S. Department of Energy, "Effect of U.S./Russia Highly Enriched Uranium Agreement" (Dec. 21, 2001) |
| 34 | DOE 2003a. Uranium Industry Annual 2002, Table 25, U.S. Department of Energy/Energy Information Administration, May 2003. [LES-02310 to LES-02311] |
| 35 | NEI, 2003. License Renewal, Nuclear Energy Institute, January 2003 [LES-02319 to LES-02325] |
| 36 | NRC, 2003c. Status of License Renewal Applications & Industry Activities, U.S. Nuclear Regulatory Commission, August 12, 2003 [LES-02326 to LES-02328] |
| 37 | NRC, 2003d. Nuclear Power Upgrades, U.S. Nuclear Regulatory Commission, July 25, 2003 [LES-02334 to LES-02339] |
| 38 | DOE. 2003b. International Energy Outlook 2003, DOE/EIA-484 (2003), Table 20, page 102, U.S. Department of Energy/Energy Information Administration, May 2003 [LES-02340 to LES-02361] |
| 39 | WNA, 2003. The Global Nuclear Fuel Market Supply and Demand 2003-2025, World Nuclear Association (2003), Tables I.1 and III.1; pp. 108-111; p. 73 Table II.4 [LES-02362 to LES-02365; LES-02375 to LES-02380; LES-04416 to LES-04418] |
| 40 | DOE, 2001g. International Nuclear Model, PC Version, DOE/EIA, U.S. Department of Energy/Energy Information Administration (May 2001) [LES-02366 to LES-02367] |
| 41 | DOE, 2003c. International Nuclear (Fuel Cycle Model, DOE/EIA, U.S. Department of Energy/Energy Information Administration (January 2003) [LES-02368 to LES-02369] |

| LES Exhibit # | Description |
|---------------|---|
| 42 | NEA, 2003. Nuclear Energy Data, Nuclear Energy Agency (2003) [LES-02370 to LES-02374] |
| 43 | NMR, 2002b. "The Future of SWU," <u>Nukem Market Report</u> (July 2002) [LES-02386 to LES-02399] |
| 44 | Grigoriev, 2002. Techsnabexport, Techsnabexport-Russian Enrichment Overview, presented at Nuclear Energy Institute International Uranium Fuel Seminar 2002, A. Grigoriev, October 1, 2002 [LES-02408 to LES-02422] |
| 45 | NEA, 2003. Nuclear Energy Data, Nuclear Energy Agency (2003) [LES-02425 to LES-02427] |
| 46 | USEC, 2002a. Form 10-K Filing with the Securities and Exchange Commission for the Six-Month Period Ending December 31, 2002, p. 6, USEC Inc., 2002 [LES-02443 to LES-02462] |
| 47 | Sterba, 1990. Outlook for the Nuclear Fuel Market, presented at the Uranium Institute Annual Symposium 1999, J. Sterba, USEC Inc., September 8-10, 1999 [LES-002463 to LES-02468] |
| 48 | Korotkevich, 2003. Current State and Perspectives on the Development of the Russian Enrichment Industry and its Impact on the World Uranium Market, presented at the World Nuclear Association Midterm Meeting, Moscow, V.M. Korotkevich, A.P. Knutarev, G.S. Soloviev, May 2003 [LES-02485 to LES-02492] |
| 49 | Shidlovsky, 2001. The Russian Uranium Enrichment Industry Today and Tomorrow, presented at Nuclear Energy Institute International Uranium Fuel Seminar 2001, V. Shidlovsky, Minatom, October 2, 2001 [LES-2493 to LES-02497] |
| 50 | NEIN, 1994. The Uranium Institute, Up Front in the CIS, Nuclear Engineering International, C.A. Grey, May 1994 [LES-02500 to LES-02503] |
| 51 | NEA, 2003. Nuclear Energy Data, Nuclear Energy Agency (2003), Tables 6.1 and 6.2 [LES-02631 to LES-02633] |
| 52 | Mikerin, 1995. The Industrial Process of Blending Russian Weapons HEU into LEU for Commercial Reactors, presented at the Nuclear Energy Institute International Uranium Fuel Seminar, E.I. Mikerin, Minatom, October 10, 1995 [LES-02664 to LES-02669] |
| 53 | DOE, 2001b. Surplus HEU Inventory, U.S. Department of Energy, HEU Disposition Program Office, November 2, 2001 [LES-02670] |

| LES Exhibit # | Description |
|---------------|---|
| 54 | Albright, 1997. Plutonium and Highly Enriched Uranium 1996, World Inventories, Capabilities and Policies, Oxford University Press, D. Albright, et al., 1997 [LES-02711 to LES-02725] |
| 55 | U.S. Nuclear Regulatory Commission, "Status of License Renewal Applications and Industry Activities" (http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html). (December 14, 2004) |
| 56 | Nuclear Energy Institute, "Approved Power Uprates (1977-2004)" (July 2004) |
| 57 | U.S. Department of Energy, Energy Information Administration, "International Energy Outlook 2004," DOE/EIA-0484 (2004), Table E1, p. 221 (www.eia.doe.gov/oiaf/ieo/index.html) |
| 58 | U.S. Department of Energy, "Sale of Surplus Highly Enriched Uranium" (Oct. 5, 2004) |
| 59 | "DOE to Sell Up to 17.4 MT of HEU for Downblending," <u>Nuclear Fuel</u> , Vol. 29, No. 21 (Oct. 11, 2004), pp. 1-2 |
| 60 | Combs, J., Ux Consulting, "Full Review: Enrichment – Facing New Challenges," <u>Nuclear Engineering International</u> , pp. 20-25 (Sept. 2004) |
| 61 | Neff, T., Massachusetts Institute of Technology, "Legacies Shaping the Future: Uranium Production, Inventories & Prices – 1947 – 2004," presented at the NEI International Uranium Fuel Seminar 2004 |
| 62 | "Current Uranium Pricing Indicators (US\$/lb U3O8)," <u>Nuclear Fuel</u> , Vol. 30, No. 1 (Jan. 3, 2004), pp. 1-2 |
| 63 | Non-confidential excerpt from "Initial Implementing Contract for the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons" (between USEC and Techsnabexport Co. Ltd.) (Jan. 14, 2004) |
| 64 | Excerpt from the Environmental Report for the American Centrifuge Plant in Piketon, Ohio (Revision 0), NRC Docket No. 70-7004, United States Enrichment Corporation (Aug. 2004), pp. 1-10, 2-2 |
| 65 | PROPRIETARY Executed Uranium Enrichment Services Contract between LES and Utility #1 (provided under separate envelope) [LES-PRO-00042 to LES-PRO-00083 (redacted version)] |