

January 28, 2005

Mr. Rod Krich, Vice President  
Licensing, Safety, and Nuclear Engineering  
Louisiana Energy Services  
2600 Virginia Avenue NW, Suite 610  
Washington, DC 20037

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION RELATED TO THE  
PREPARATION OF A FINAL ENVIRONMENTAL IMPACT STATEMENT FOR  
THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT  
FACILITY

Dear Mr. Krich:

In September 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790). The public comment period closed on January 7, 2005. The NRC is now preparing a final environmental impact statement (EIS) on the proposed facility, in accordance with NRC regulations at 10 CFR Part 51 and the National Environmental Policy Act.

Among the activities the NRC staff must complete to prepare the final EIS are to consider and respond to comments on the draft EIS. To respond adequately to the comments, the NRC staff needs additional information and clarification (see attached). Please provide a response to this request for additional information as soon as possible, but no later than February 11, 2005. To the extent practicable, please also provide an electronic version of your responses. In developing its responses, LES should identify any proprietary information it chooses to withhold from public disclosure and submit that information pursuant to the requirements of 10 CFR 2.390.

If you have any questions regarding the content of this letter, please contact me at (301) 415-6262.

Sincerely,

**/RA/**

Melanie Wong, Environmental Project Manager  
Environmental and Low-Level Waste Section  
Environmental and Performance  
Assessment Project Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Request for Additional Information  
Docket: 70-3103  
cc: Service List

Mr. Rod Krich, Vice President  
Licensing, Safety, and Nuclear Engineering  
Louisiana Energy Services  
2600 Virginia Avenue NW, Suite 610  
Washington, DC 20037

January 28, 2005

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION RELATED TO THE PREPARATION  
OF A FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA  
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Krich:

In September 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790). The public comment period closed on January 7, 2005. The NRC is now preparing a final environmental impact statement (EIS) on the proposed facility, in accordance with NRC regulations at 10 CFR Part 51 and the National Environmental Policy Act.

Among the activities the NRC staff must complete to prepare the final EIS are to consider and respond to comments on the draft EIS. To respond adequately to the comments, the NRC staff needs additional information and clarification (see attached). Please provide a response to this request for additional information as soon as possible, but no later than February 11, 2005. To the extent practicable, please also provide an electronic version of your responses. In developing its responses, LES should identify any proprietary information it chooses to withhold from public disclosure and submit that information pursuant to the requirements of 10 CFR 2.390.

If you have any questions regarding the content of this letter, please contact me at (301) 415-6262.

Sincerely,

**/RA/**

Melanie Wong, Environmental Project Manager  
Environmental and Low-Level Waste Section  
Environmental and Performance  
Assessment Project Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Request for Additional Information

Docket: 70-3103

cc: Service List

DISTRIBUTION: Docket 70-3103

ADAMS	PUBLIC	EPAD r/f	LCamper	RPierson	DReddick
JHolonich	JGitter	BSmith	TJohnson	YFaraz	DBrown
LMarshall	CWalls	TCombs, OCA	LClark/OGC	DSeymour/RII	SGagner/OPA
RVirgilio, OSTP	KEverly/NSIR	KClark/RII	RHannah/RII	JHenson/RII	WMaier/RIV
DAYres/RII	RTrojanowski/RII	KO'Brien/RIII	VMitlyng/RIII	DHartland/RIII	DMcIntyre/OPA

Log No.: **04-062**

ADAMS pkg: ML050280390

\*Concurrence via email.

OFC	DWMEP/EPAD	DWMEP/EPAD	OGC*	SC:DWMEP/EPAD
NAME	CSchulte	MWong	LClark	JDavis
DATE	01/26/05	01/28/05	01/28/05	01/28/05

OFFICIAL RECORD COPY

**Enclosure**

## **Request for Additional Information**

### **Louisiana Energy Services Proposed National Enrichment Facility Lea County, New Mexico**

The general requirements for a Nuclear Regulatory Commission (NRC) final environmental impact statement (FEIS) are delineated in 10 CFR 51.91. Pursuant to 10 CFR 51.91(a), the NRC staff is required to prepare a FEIS that "...will include responses to any comments on the draft environmental impact statement or on any supplement to the draft environmental impact statement."

To respond to some comments, it may be necessary for the staff to supplement or modify information included in the draft EIS (DEIS). To determine the need for more information, the NRC staff reviews the comments against the technical information provided in the latest revision of LES's Environmental Report (ER) and associated supplemental information.

The NRC staff has reviewed the applicant's ER and supplemental information and determined that additional technical information is needed to respond to public comments and to prepare a FEIS that satisfies the requirements of 10 CFR 51.91. This request for additional information (RAI) is consistent with the format of the FEIS and is similar to the format described in Appendix A to 10 CFR Part 51.

#### **SECTION 1 – INTRODUCTION**

Pursuant to 10 CFR 51.45(d), the ER is required to include a discussion of the status of compliance with applicable environmental quality standards and requirements including, but not limited to, applicable zoning and land-use regulations, and thermal and other water pollution limitations or requirements imposed by Federal, State, regional, and local agencies having responsibility for environmental protection. The discussion of alternatives in the report shall include a discussion of whether the alternatives will comply with such applicable environmental quality standards and requirements.

##### **1-1 Applicable Regulatory Requirements:**

- A. Update Table 1.3-1 of the ER to reflect the status of all Federal and State permits. For all requirements with a status of "in progress," provide a summary of progress with regulatory agencies, identifying completed actions. Specifically, discuss the status of obtaining groundwater discharge permits for construction and operation of the proposed National Enrichment Facility (NEF) from the State of New Mexico.
- B. Indicate whether permits would be required from the New Mexico Office of the State Engineer for installation of monitoring wells. If so, identify the associated regulations and provide the permitting status.
- C. State whether construction permits for satisfying the requirements of 20.2.72 New Mexico Administrative Code (NMAC) are required and, if so, discuss the status of the permit process.

- D. Indicate whether any actions under 20.2.73 NMAC (Notice of Intent and Emission Inventory Requirements) are required and, if so, discuss the status of any such actions.

This information is needed to provide an updated introduction in the FEIS. The New Mexico Environment Department's (NMED) comments on the DEIS identified the need for permits or actions not currently identified in the ER.

## **SECTION 2 – ALTERNATIVES**

### 2-1 Facility Description:

- A. Clarify the disposition of any structures remaining on the proposed NEF site after completion of decontamination and decommissioning.

LES comment 57 (see LES letter #04-045, dated November 5, 2004) states that LES does not currently plan to return structures and components to Lea County at the end of facility operation. However, the ER indicates that the retention/detention basins would remain at the end of decontamination and decommissioning and could be turned over to Lea County.

## **SECTION 3 – AFFECTED ENVIRONMENT**

### 3-1 Ground Water Quality:

- A. Revise ER Table 3.4-3, page 1 of 3 or explain why the sum of the chloride and sulfate concentrations measured in the "NEF Sample" exceed the total dissolved solids (TDS) concentration in that same sample.

The sum of the chloride and sulfate concentrations exceed the TDS concentration where the sum should be equal to or less than the TDS concentration.

## **SECTION 4 – ENVIRONMENTAL IMPACTS**

Pursuant to 10 CFR 51.45(c), the ER is required to include an analysis that considers and balances the environmental effects of the proposed action, the environmental impacts of alternatives of the proposed action, and alternatives available for reducing or avoiding adverse environmental effects.

### 4-1 Land Use:

- A. Provide a description and necessary figures showing the routing of new natural gas lines.

LES comment 38 (see LES letter NEF#04-045 dated November 5, 2004) states that the installation of the natural gas supply piping should also be addressed. However, only the following statement can be found in the ER on page 4.1-2 of Rev 3: "The natural gas line feeding the site will connect to an existing, nearby

line. This will minimize impacts of short-term disturbances related to the placement of the tie-in line.” Further details are necessary to properly address the comment.

#### 4-2 Water Resources:

- A. Verify (or update) the estimated water usage during construction.

This information is needed to update page 4-11, line 25 of the DEIS.

#### 4-3 Ecology:

- A. Provide updated information and details concerning the installation of netting or other suitable material for the TEEB. Also clarify whether netting (other suitable material) or other mitigation actions for managing wildlife would be used in the other two basins.

LES comments 47 and 48 (see LES letter NEF#04-045 dated November 5, 2004) request a change in wording. Other public comments have also requested further actions to minimize the impacts to wildlife from all onsite basins. To properly address these comments, the latest designs for protective barriers need to be provided.

- B. Provide information on how wildlife would be handled that are able to bypass the barriers or are potentially trapped inside the barriers for the site and the basins.

The FEIS should provide comprehensive information on proposed wildlife barriers. Public comments have expressed concern that wildlife could become trapped on the land enclosed by the barriers that will be erected to exclude wildlife from the site and the basins.

#### 4-4 Socioeconomics:

- A. Provide documentation of any partnerships or discussions with local colleges, school districts, and schools for developing a pool of employees from the surrounding area. Also provide information on the training programs for newly hired employees to provide additional technical training that could not be provided by local colleges.

Several commenters noted that the New Mexico Junior College has had discussions with LES on the college’s curriculum, and that LES has provided funding of several scholarships to local students. This information needs to be documented in the FEIS.

Public comments have questioned whether the highly skilled positions could be filled by hiring in the local communities due to the need for further training on a technology with security implications.

- B. Describe the education prerequisites for the job types the proposed NEF is expected to create during construction and operation. Provide the estimated number of jobs

by position that are expected to be filled both locally and from outside the area of the proposed NEF.

Several comments request detailed information describing the positions to be filled locally and the positions to be filled with LES partner employees or other employees from outside the region of influence. The FEIS discussion of socioeconomic impacts should include this information.

#### 4-5 Temporary Onsite Storage:

- A. Provide the status of any negotiations with the State of New Mexico and any revisions from the information in the ER concerning the time of temporary storage of UBCs onsite during the operation of the proposed NEF.

The FEIS should include new details or changes to plans concerning UBC storage onsite. Several comments highlighted the applicant's public commitment to have the UBCs removed from the proposed NEF site in a timely manner outside of the State of New Mexico.

#### 4-6 Waste Management:

- A. Provide an update on enacting a disposal strategy for the DUF<sub>6</sub>. Include a discussion of a conversion facility, management of conversion byproducts (especially hydrofluoric acid), disposal at a licensed facility, and disposition of empty cylinders.

The status of all discussions for the waste management of DUF<sub>6</sub> and conversion byproducts needs to be presented in the FEIS. Public comments express concern about the disposition of DUF<sub>6</sub>.

## **SECTION 5 - MITIGATION MEASURES**

#### 5-1 Mitigation Measures Proposed by LES:

- A. Provide a copy of best management practices that have been developed to date, such as the Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures plan, and waste minimization and recycling plans. If these plans are yet to be developed, identify the elements or scope of the plans.

Pursuant to 10 CFR 51.45(c), alternatives available for reducing or avoiding adverse environmental effects should be identified in the FEIS. Members of the public have requested more details of these mitigative measures for the protection of human health and the environment.

- B. Provide a copy of the Best Available Control Measures (BACM) or discuss how LES would minimize dust and particulate emissions from site construction and operation activities.

NMED is currently developing a Natural Events Action Plan (NEAP) for Lea County. The NEAP will require LES to implement BACMs. The FEIS needs to address how LES would implement BACMs, which would be required by the NEAP.

#### 5-2 Mitigation Measures Proposed by Commenters:

Some commenters suggested a range of mitigation measures, as referenced below. After reviewing the referenced letters, indicate whether LES plans to incorporate any of the mitigation recommendations into its planning for the NEF. This information is needed to maintain a current discussion in the FEIS of planned mitigation.

1. Letter from Lisa Kirkpatrick, New Mexico Department of Game & Fish, dated November 1, 2004. This letter can be obtained from NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS) at ML043130370.
2. Letter from Stephen Spencer, U.S. Department of the Interior, dated November 5, 2004. This letter can be obtained from the Public Document Room or from ADAMS at ML043150201.