

February 2, 2005

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

February 3, 2005 (8:35am)

In the Matter of

Docket No. 70-3103

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Louisiana Energy Services, L.P.
National Enrichment Facility

ASLBP No. 04-826-01-ML

**HEARING EXHIBITS OFFERED
ON BEHALF OF NUCLEAR INFORMATION AND RESOURCE SERVICE
AND
PUBLIC CITIZEN
REVISED FEB. 2, 2005**

The following exhibits will be offered on behalf of Nuclear Information and Resource Service and Public Citizen ("NIRS/PC") at the hearing scheduled for February 7 through 16, 2005. When a NIRS/PC exhibit is duplicated by an exhibit offered by the Applicant ("LES") or Commission Staff ("NRC Staff"), it is so noted after the exhibit description, and a duplicate NIRS/PC exhibit will not be offered. When an item is readily available from a public Internet location, the location is cited.

NIRS/PC Exhibits:

1. Areva, 2004a, *Calculation Summary Sheet, Water Balance Tables for National Enrichment Facility Basins*, September 2004, Bates numbers LES-05129 – LES-05188. (See LES Ex. 9).
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4. Cook-Joyce Inc., 2003a, *Hydrogeologic Investigation, Section 32; Township 21 range 38, Eunice New Mexico*, 19 November, 2003, attached to the *Ground Water Discharge Permit Application* (LES, 2004b) (See LES Ex. 3).
5. Cook-Joyce Inc., 2004a, *Section VI, Geology Report*, August 2004, prepared for Waste Control Specialists LLC, Andrews Texas.
6. Davis, S.N., and R.J.M. DeWiest, 1966, *Hydrogeology*, pp. 164-65 (witness: G. Rice).
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<http://www.westonrst2.com/sop/2046.pdf#search='epa%20slug%20test'>.
12. EPA, 2003a, *EPA's Composite Model for Leachate Migration with Transformation Products (EPACMTP), Parameters/Data Background Document*, April 2003, URL:
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13. EPA, 2004a, *Survey of Technologies for Monitoring Containment Liners and Covers*, EPA 542-R-04-013, June 2004, URL:
<http://www.epa.gov/tio/download/char/epa542r04013.pdf>.
14. Freeze, R.A., and Cherry, J.A., 1979, *Groundwater*, pp. 29, 37 (witness: G. Rice).
15. G.L. Environmental Inc., 2004, *Comments on New Mexico Ground Water Discharge Permit*, attached to an email sent to George Harper, April 6, 2004.

16. Hach Company, 2004, *Chemical Oxygen Demand*, Technical Information Series, Booklet No. 9, URL: <http://www.hach.com/hc/static.template/templateName=HcLearningLibrary>.
17. Harper, G., and R. Peery, 2004a, transcript of deposition taken on September 17, 2004.
18. Hillel, D., 1971, *Soil and Water*, pp. 131-33 (witness: G. Rice).
19. Holt, J.H., 1993, *Geotechnical Investigation and Engineering Analysis for Waste Control Specialists Inc. Landfill Project, Andrews County, Texas*, 12 March, 1993. (See LES Ex. 3).
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24. Leedshill-Herkenhoff, Inc., John Shoemaker & Associates, Inc., Montgomery & Andrews, P.A., 2000, *Lea County Regional Water Plan*, prepared for Lea County Water Users Association, December 7, 2000. (See LES Ex. 26).
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26. 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>.
27. Louisiana Energy Services, 2004b, *Ground Water Discharge Permit Application*, April 26, 2004. (See LES Ex. 4).

28. Louisiana Energy Services, 2004c, *Response to NRC Request for Additional Information Regarding the National Enrichment Facility Environmental Report*, letter NEF#04-019, May 20, 2004. (See LES Ex. 3).
29. Louisiana Energy Services, 2004d, *Answer of Louisiana Energy Services, L.P. to the Requests for Hearing and Petitions for Leave to Intervene of the New Mexico Attorney General and Nuclear Information and Resource Service and Public Citizen*, Docket No. 70-3103-ML, May 3, 2004.
30. Louisiana Energy Services, 2004e, *Applicant's Objections and Responses to Interrogatories From Nuclear Information and Resource Service and Public Citizen*, September 23, 2004.
31. Louisiana Energy Services, 2004g, *Comments Regarding Draft Report NUREG-1790, Environmental Impact for the Proposed National Enrichment Facility in Lea County, New Mexico*, November 5, 2004.
32. Lockwood Greene, 2004a, *Data/Information for Environmental Permit*, document number L4-50-01-RES, March 29, 2004, Bates stamp: LES-00768 – LES-00781.
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37. 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.
38. G. Rice Figure 1, Schematic—Geologic Cross Section in Vicinity of Proposed Site (showing playa and perched water body).
39. G. Rice Figure 2, Laboratory Hydraulic Conductivity

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41. Nuclear Regulatory Commission (NRC), 2004a, *Environmental Impact Statement for the Proposed National Enrichment Facility in Lea County, New Mexico, Draft Report for Comment*, NUREG-1790, September 2004. (See NRC Staff Ex. 1).
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53. Final EIS for the Construction and Operation of a Depleted Uranium hexafluoride Conversion Facility at the Portsmouth, Ohio, Site, DOE/EIS-0360 (June 2004); <http://www.eh.doe.gov/nepa/eis/eis0360/> (See LES Ex. 16).
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64. NEF Environmental Report, Dec. 2003, Table 1.1-3
65. EIA, *U.S. Nuclear Fuel Cycle Projections 2000-2025*, January 2003.
www.eai.doe.gov/cneaf/nuclear/page/forecast/projection.html.
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75. Applicant’s Objections and Responses to Interrogatories from Nuclear Information and Resource Service and Public Citizen, September 23, 2004, responses to interrogatories 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17. (See NIRS/PC Ex. 30).
76. Louisiana Energy Services, L.P. Response to Nuclear Information and Resource Service and Public Citizen Interrogatories, December 20, 2004, responses to interrogatories 1, 2, 3.
77. NRC Staff’s Response to Interrogatories and Document Request by Petitioners Nuclear Information and Resource Service and Public Citizen to Commission Staff, November 10, 2004, responses to interrogatories 3, 10, 11, 12. (See NIRS/PC Ex. 42).
78. Deposition of George A. Harper and Roger L. Peery, September 17, 2004, at:
 - a. Page 16 line 4 through page 18 line 17.
 - b. Page 20 line 22 through page 21 line 17
 - c. Page 48 line 3 through line 14.
 - d. Page 54 line 1 through line 23.
 - e. Page 55 line 7 through page 56 line 22.
 - f. Page 57 line 16 through page 58 line 14.
 - g. Page 61 line 2 through page 62 line 2.

- h. Page 72 line 4 through page 73 line 7.
- i. Page 100 line 18 through page 101 line 23.
- j. Page 117 line 6 through page 118 line 1.

79. Deposition of George R. Campbell, et al., September 17, 2004, at:

- a. Page 20 line 23 through page 22 line 8.
- b. Page 22 line 23 through page 24 line 1.
- c. Page 47 line 7 through page 48 line 18.

80. Deposition of Kirk Schnoebelen, et al., September 29, 2004, at:

- a. Page 54 line 5 through page 55 line 14.
- b. Page 60 line 16 through page 61 line 13.
- c. Page 83 line 17 through page 87 line 20.
- d. Page 107 line 2 through page 108 line 3.

81. Exhibit 8 to Schnoebelen deposition, e-mail from C. Chater to C. Andrews, January 10, 2003, Subject: Comments on the ERI No Need Analysis.

82. LES Environmental Report, pages 1.0-1 through 1.0-3.

Respectfully submitted,



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CERTIFICATE OF SERVICE

Pursuant to 10 CFR § 2.305 the undersigned attorney of record certifies that on February 2, 2005, the foregoing Hearing Exhibits Offered on Behalf of Nuclear Information and Resource Service and Public Citizen, Revised Feb. 2, 2005, was served by electronic mail and by expedited delivery upon the following:

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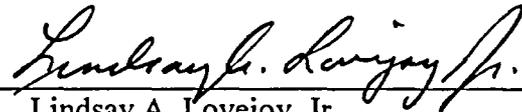
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