

February 4, 2005

Administrative Judge Paul Bollwerk
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T 3-F23
Washington, D.C. 20555

Administrative Judge Paul Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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Administrative Judge Charles Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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In the Matter of
LOUISIANA ENERGY SERVICES, L.P.
(National Enrichment Facility)
Docket No. 70-3103-ML

Dear Administrative Judges:

Attached please find the Staff's cross-examination plans for NIRS/PC witnesses on Environmental Contentions 1, 2, 4 and 7. At this time the Staff does not anticipate any cross-examination of LES witnesses.

Sincerely,

/RA/

Lisa B. Clark
Counsel for NRC Staff

Attachment: As stated.

OVERVIEW OF NRC STAFF'S CROSS-EXAMINATION PLANS FOR THE ENVIRONMENTAL CONTENTIONS IN THE LES PROCEEDING

NIRS/PC EC-1

Estimated Time for Cross-Examination: 1 hour

1. Establish Witness Qualifications
2. Establish basis for conclusions regarding the presence of groundwater in the alluvium near the proposed site and whether he believes that this indicates the presence of water in the alluvium beneath the proposed NEF.
3. Establish the unreliability of Figure 1 in his testimony.
4. Establish basis for his conclusion that groundwater in the Dockum Group has been used in the vicinity of the site; whether this is based on use of the Santa Rosa aquifer rather than water in the Chinle formation.
5. Establish findings from Olson and Daniel 1981 paper as it relates to laboratory and field measurements.
6. Establish unreliability of Figure 3 in his testimony.
7. Establish the significance of the findings of mineral deposits in borings as they relate to the presence of fast flow paths.
8. Establish the significance of the detection limits verses the human health standards for benzene and the drinking water standards for PAHs.

NIRS/PC EC-2

Estimated Time for Cross-Examination: 1 hour

1. Establish witness qualifications.
 - A. Establish previous work in nuclear industry, particularly for Serious Texans Against Nuclear Dumping (STAND).
2. Establish that NRC has considered how pumpage from the proposed NEF would affect water levels and long-term productivity of the Hobbs well field and Lea County Underground Water Basin as explained in the January 7, 2005 direct testimony of A. Toblin on EC-2.
 - A. Establish that Mr. Rice reviewed the direct testimony of A. Toblin on EC-2.

- B. Establish that NRC has simulated pumpage from the Hobbs well field both with and without the additional pumpage required for the proposed NEF.
3. Establish that EC-2 alleges DEIS is deficient for not showing effects of pumpage from NEF on water levels and long-term productivity of Hobbs well field and Lea County Underground Water Basin.
- A. Establish that since NRC has now shown these effects, the alleged deficiency charged in EC-2 has been remedied.

NIRS/PC EC-4

Estimated Time For Cross-Examination: 1 1/2 hour

- 1. Establish DOE has compiled the most complete, available environmental analysis for anhydrous hydrofluoric acid management and the associated impacts in the PEIS.
- 2. Establish the DEIS addresses the impacts of conversion of DUF_6 .
- 3. Establish the PEIS does not indicate that the overall potential impacts for the option of producing anhydrous hydrofluoric acid are likely to be greater than those for neutralization of aqueous hydrofluoric acid to calcium fluoride for disposal or sale.
- 4. Establish that a generic analysis of airborne emissions for a conversion facility was addressed in the PEIS.
- 5. Establish that the example of the scrubber efficiency at Fernald is not appropriate for comparison to hydrofluoric acid scrubbers since the operating conditions are different.

NIRS/PC EC-7

Estimated time for cross examination: 1/2 hour

- 1. Establish that his projections rely on the same information relied upon by LES in the ER and show a shortfall in supply
- 2. Establish that the shortfall is evidenced by both global and domestic projections
- 3. Establish that his testimony concedes that LES will enter the market.