

February 4, 2005

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USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

February 4, 2005 (11:57am)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

Louisiana Energy Services, L.P.

(National Enrichment Facility)

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

**OUTLINE SUMMARY OF LES POSITION
ON NIRS/PC EC-4: IMPACTS OF WASTE STORAGE**

In accordance with the Board's Memorandum and Order (Memorializing and Ruling on Matters Raised in conjunction with August 3, 2004 Conference Call and Setting General Schedule for Proceeding) of August 16, 2004, following is the outline summary of Louisiana Energy Services, L.P.'s position on NIRS/PC EC-4 – Impacts of Waste Storage.

NIRS/PC Argument: LES ER fails to discuss environmental impacts of a deconversion facility.

- NRC's EIS for Claiborne Enrichment Facility, DOE's EISs for Portsmouth and Paducah deconversion facilities and PEIS on management of DUF6 are referenced in Rev. 2 of application. All address environmental impacts of a deconversion facility.
- Expert Makhijani acknowledges this (Makhijani Direct, Answer 4).
- Thus, this basis is moot.

NIRS/PC Argument: Reliance on DOE EISs for Portsmouth and Paducah is erroneous. DOE plants are unlike private LES conversion plant because LES may choose different deconversion option (anhydrous HF) than one selected by DOE for Portsmouth/Paducah (aqueous HF). Risks of anhydrous option are much greater and not addressed in DOE EISs. Impacts can only be addressed after specific site is selected (Makhijani Direct, Answer 9).

- DOE PEIS evaluates impacts of both anhydrous and aqueous options (Krich Direct, Answer 23; Krich/Schneider Rebuttal, Answer 6; Krich/Schneider Rebuttal, Answer 8).
- Specific site is not necessary for environmental evaluation. Programmatic evaluation of impacts is reasonable, bounding approach.
- LES recently decided not to use anhydrous option (exhibit 79, Krich/Schneider Rebuttal, Answer 7). Thus, all concerns of Makhijani on risks of anhydrous option are moot.

NIRS/PC Argument: No DOE or NRC standards for free release of CaF or HF. Thus, can't sell.

- LES has no current intent to sell HF (Krich/Schneider Rebuttal, Answer 8)
- DOE and NRC have processes for addressing free release (Krich/Schneider Rebuttal, Answer 8)
- CaF produced by neutralization of HF will contain very low contamination (Krich/Schneider Rebuttal, Answer 8)
- States have accepted disposal of CaF slightly contaminated with uranium in landfills (exhibits 77 and 78)

NIRS/PC Argument: Lower filter efficiency should be evaluated for HF emissions from deconversion plant.

- Report on Fernald facility is basis; but conclusions are not applicable since the filter application at that plant is for filtering particulates, not HF gas; also plant did not use today's technology (Krich/Schneider Rebuttal, Answer 9)
- Efficiency at +99% can be achieved and maintained with current technology (Krich/Schneider Rebuttal, Answer 9)

NIRS/PC Argument: DUF_6 should be converted to UO_2 , rather than U_3O_8 ; more suitable for disposal.

- Makhijani seeks to raise disposal issue; not relevant to this contention.
- Both NRC and DOE, after evaluating, supported U_3O_8 form (Krich Direct, Answer 11) (if issue is not stricken)

- In any event, DOE PEIS evaluated both U_3O_8 and UO_2 (Exhibit 18). Makhijani disregards this; wants UO_2 mandated as waste form (if issue is not stricken)

NIRS/PC Argument: Transportation distances and impacts were not considered in EISs

- Transportation modes, types of materials, and distances thoroughly considered in Appendix J of DOE PEIS (Exhibit 18) and in Paducah and Portsmouth EISs (Exhibits 16 and 17). Analysis reasonably bounds modes, materials, and distances for private deconversion facility (Krich Direct, Answers 24-27).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "OUTLINE SUMMARY OF LES POSITION ON NIRS/PC EC-1: IMPACTS UPON GROUND AND SURFACE WATER"; "OUTLINE SUMMARY OF LES POSITION ON NIRS/PC EC-2: IMPACT UPON WATER SUPPLIES"; "OUTLINE SUMMARY OF LES POSITION ON NIRS/PC EC-4: IMPACTS OF WASTE STORAGE"; and "OUTLINE SUMMARY OF LES POSITION ON NIRS/PC EC-7 NEED FOR THE FACILITY" in the captioned proceeding have been served on the following by e-mail service, designated by **, on February 4, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 4th day of February 2005.

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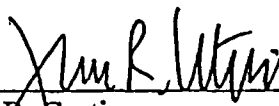
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