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**NUCLEAR REGULATORY COMMISSION**

Title: Louisiana Energy Services, L.P.  
(National Enrichment Facility)  
Limited Appearances Hearing  
Morning Session

Docket Number: 70-3103-ML  
ASLBP No. 04-826-01-ML

DOCKETED  
USNRC

March 10, 2005 (12:00pm)

OFFICE OF SECRETARY  
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Location: Eunice, NM

Date: February 12, 2005

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD  
(ASLB)

+ + + + +

LIMITED APPEARANCES HEARING

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In the Matter of:

LOUISIANA ENERGY SERVICES, L.P.      Docket Nos.  
(National Enrichment Facility)      70-3103-ML  
ASLBP No.  
04-826-01-ML

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Saturday, February 12th, 2005

Eunice Community Center  
1115 Avenue I  
Eunice, New Mexico

The above-entitled matter came on for hearing, pursuant to notice, at 10:00 a.m.

BEFORE:

G. PAUL BOLLWERK, III      Chair  
PAUL B. ABRAMSON      Administrative Law Judge  
CHARLES N. KELBER      Administrative Law Judge

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KAREN VALLOCH  
ROD KRICH  
TIM JOHNSON  
JAMES PARK

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## P-R-O-C-E-E-D-I-N-G-S

10:00 a.m.

CHAIR BOLLWERK: Let's go on the record, please. Good morning, I'd like to begin, this morning, by introducing ourselves.

In accordance with the provisions of the Atomic Energy Act, and the regulations for the Nuclear Regulatory Commission, we are three Administrative Judges appointed to sit in an Atomic Safety and Licensing Board, to conduct an adjudicatory proceeding in connection with currently pending challenge of various intervening parties, including the Attorney General of New Mexico, the New Mexico Environment Department, the Nuclear Information and Resource Service, and Public Citizen, in the December 2003 application of Louisiana Energy Services, LP, or LES, for a license, under part 70, of Title 10 of the Code of Federal Regulations, or the CFR, for authorization to possess and use source by-product and special nuclear material, in order to enrich natural uranium to a maximum of five percent uranium 235, or U-235, by the gas centrifuge process.

As you are undoubtedly aware, LES proposes to do this at a facility denominated as the National Enrichment Facility, or NEF, to be constructed near

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1 Eunice, New Mexico.

2 To my left is Dr. Charles Kelber. Judge  
3 Kelber a physicist, is a full-time member of the  
4 Atomic Safety and Licensing Board Panel.

5 To my right is Dr. Paul Abramson. Judge  
6 Abramson is both a physicist and an attorney, and a  
7 full-time member of the panel. My name is Paul  
8 Bollwerk, I'm an attorney, and the chairman of this  
9 Licensing Board.

10 As part of our function, relative to the  
11 LES Enrichment Facility proceeding, we are here this  
12 morning to entertain oral limited appearance  
13 statements in accordance with Section 2.315(A) of  
14 Title 10 of the Code of Federal Regulations.

15 So that there will be a common  
16 understanding of what is involved in this proceeding,  
17 and with respect to the limited appearance process, I  
18 would like to take a few moments to provide some  
19 background about both.

20 In response to a Notice of Opportunity for  
21 a Hearing, published in the Federal Register, on  
22 February 6th, 2004, which can be found at volume 69 of  
23 the Federal Register, beginning at page 5837, in  
24 accordance with 10 Code of Federal Regulations,  
25 Section 2.309, various intervenors requested a hearing

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1 to challenge the December 12, 2003 application of  
2 Louisiana Energy Services for permission to construct  
3 and operate the proposed NEF, which is intended to  
4 produce commercial nuclear power plant fuel.

5           Thereafter, in March and April of 2004,  
6 the various intervenors submitted proposed issues for  
7 hearing, and LES and the NRC Staff filed responses to  
8 those issue statements, as well as the intervenors'  
9 arguments about why each had legal standing to be a  
10 party to this proceeding.

11           Thereafter the Nuclear Regulatory  
12 Commission, itself, previously having found that the  
13 various petitioners had legal standing to intervene in  
14 this proceeding, on June 15th, 2004, this Licensing  
15 Board conducted an initial pre-hearing conference, in  
16 Hobbs, New Mexico, during which the various  
17 petitioners, LES, and the NRC staff, had an  
18 opportunity to make oral presentations regarding the  
19 admissibility of the proffered issue statements, or  
20 contentions.

21           Based on the filings, and the oral  
22 argument presented by the Petitioners, LES, and the  
23 Staff, on July 19th, 2004, in a ruling reported in  
24 volume 60 of the Nuclear Regulatory Commission  
25 issuances, beginning at page 40, this Board concluded

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1 that each of the Petitioners had provided an  
2 admissible contention, so as to be admitted as a party  
3 to this proceeding, in this regard the admitted  
4 contentions, concerning both the technical and  
5 environmental aspects of the LES application.

6 Following this ruling on contentions,  
7 under the Agency's rules and procedure, in 10CFR part  
8 2 subpart G, that provide for a formal trial type  
9 hearing, pursuant to a Board established schedule, the  
10 parties conducted discovery regarding the admitted  
11 contentions.

12 Further, this past week the Board  
13 conducted evidentiary hearing sessions in Hobbs  
14 regarding the four admitted environmental contentions.  
15 A Board determination regarding those issues currently  
16 is slated to be issued in June of 2005.

17 Additionally, evidentiary hearings on the  
18 admitted technical contentions are scheduled for this  
19 fall, and the Board ruling on those matters will  
20 follow sometime thereafter.

21 This, in a nutshell, describes the NRC  
22 adjudicatory process relating to this proceeding. And  
23 this, naturally, prompts the question, what then are  
24 the limited appearances in which the Board has invited  
25 public participation?

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1 Under Section 2.315(a) of the Commission's  
2 Rules of Practice, the Board has the discretion to  
3 entertain from any person who is not a party, a  
4 written or oral statement of his or her position on  
5 the issues in the proceeding.

6 This provision, which was first adopted as  
7 part of the Agency's hearing rules, back in 1962,  
8 recognizes there is a need to provide an opportunity  
9 for input from members of the public, who despite not  
10 having sought party status, have an interest in the  
11 subject matter of the proceeding.

12 As we indicated, in the January 7th, 2005  
13 Federal Register Notice, scheduling today's sessions  
14 here in Eunice, oral limited appearance statements,  
15 which are transcribed and placed into the official  
16 agency docket for this proceeding, are intended as an  
17 opportunity for the members of the public to express  
18 their views, and they may help the Board and/or the  
19 parties, in their consideration of the issues in this  
20 proceeding.

21 Indeed, as you can see, like the Board, a  
22 number of the parties are here to listen to what is  
23 being said this morning. In this regard I would like  
24 to take a second, now, to have the representatives of  
25 the parties identify themselves for the record.

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1                   And I would ask Ms. Engle, our law clerk  
2 who is going to bring up a microphone, we can just  
3 pass it down the line, perhaps. If you could just  
4 introduce yourself for the record?

5                   MR. MALHEREK: I'm Joe Malherek for Public  
6 Citizen.

7                   MR. LOVEJOY: I'm Lindsay Lovejoy, I'm a  
8 lawyer from Santa Fe, and I'm representing Public  
9 Citizen and Nuclear Information and Resource Service.

10                  MR. CURTISS: I'm Jim Curtiss,  
11 representing Louisiana Energy Services in this  
12 proceeding, and I'm a lawyer with the firm of Winston  
13 & Strawn in Washington, D.C.

14                  MR. KRICH: I'm Rod Krich from LES.

15                  MR. JOHNSON: Good morning, I'm Tim  
16 Johnson, I'm the NRC's licensing project manager for  
17 the project.

18                  MS. CLARK: My name is Lisa Clark and I'm  
19 the attorney for the NRC Staff.

20                  CHAIR BOLLWERK: All right, thank you  
21 everyone, we appreciate that. In this regard let me  
22 emphasize, again, that this is an opportunity to hear  
23 from interested members of the public.

24                  Consequently the representatives of the  
25 admitted parties will not be making statements here

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1 this morning. Rather, like the Board, they are here  
2 to listen.

3 Finally, let me say just a word about the  
4 procedure for making a statement. We have had some  
5 individuals who pre-registered, and will be afforded  
6 an opportunity to speak first at this session.

7 Once we have heard from those individuals  
8 we will move on to anyone who registers here this  
9 morning. For anyone who wishes to make a statement on  
10 the table over there, in the back, on the side of the  
11 room, there is a sheet to write your name, and your  
12 affiliation, if any.

13 We will collect those sheets, from time to  
14 time, and call on the speakers in the order that they  
15 signed in. If you did not pre-register, you must sign  
16 in if you wish to speak. If you did pre-register we  
17 already have your name and we will simply move down  
18 the list.

19 Additionally, if you want to provide your  
20 views to the Board, but you don't wish to make an oral  
21 statement, there are sheets on the table over there,  
22 that you can complete, and leave on the box on the  
23 table.

24 These written limited appearance  
25 statements will be reviewed by the Board members, and

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1 placed in the agency's official docket for this  
2 proceeding as well.

3 With regard to the oral statements, we  
4 will try to keep a watch on the time that each speaker  
5 is talking, and we will advise you when you need to  
6 complete your remarks.

7 We indicated, in the January 2005 Federal  
8 Register Notice, and the scheduling information  
9 released to the press, that we hope to be able to  
10 provide each speaker with five minutes to make a  
11 presentation.

12 For this session, however, it is apparent,  
13 from the number of pre-registrations, that the  
14 speakers will need to keep their presentations more  
15 toward the area of three minutes, if that is possible,  
16 so that we will be able to hear from everyone in the  
17 time allotted.

18 I think you would agree with me that it is  
19 important that we hear from everyone here that wants  
20 to speak, and maybe give them some opportunity to be  
21 heard, and ask for your cooperation in terms of the  
22 length of your presentations.

23 Certainly those who wish to do so can  
24 supplement their remarks in writing on the sheets  
25 we've provided, or at the end of the session, if we

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1 have additional time remaining, we would be glad to  
2 give anyone else, who wants to take an opportunity to  
3 come up and say a few more words, if we have time, we  
4 can certainly do that.

5 Finally, I think it is important to allow  
6 the Board and the parties to hear fully the remarks of  
7 each speaker without any intrusions. Accordingly I  
8 would ask that you respect each individual's right to  
9 address the Board by not unduly interrupting with  
10 verbal comments, or other sounds, either supporting or  
11 opposing the viewpoint being espoused.

12 I would also ask, at this point, so we can  
13 keep some decorum in this proceeding, as appropriate,  
14 that anyone who has a cell phone, please turn it off.  
15 If you would, please? If you need to make a cell  
16 phone call you are certainly welcome to leave the  
17 room, but we would ask that you turn your cell phone  
18 off.

19 With that explanation let's begin with our  
20 first speaker. And in that regard, to make sure that  
21 things will go along smoothly, we are going to try to  
22 announce several names, and would ask that the  
23 additional speakers who are in the on-deck circle, as  
24 it were, move to one of the microphones in the  
25 audience, so that they can begin their remarks

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1 promptly after the preceding speaker is finished.

2 And the first name that I have this  
3 morning is Mr. Lee Cheney. Did I pronounce that  
4 correctly, sir?

5 MR. CHENEY: Yes.

6 CHAIR BOLLWERK: All right, Mr. Cheney.  
7 After Mr. Cheney would be Randall McCormick, and then  
8 Fay Thompson.

9 MR. CHENEY: Good morning. My name is Lee  
10 Cheney, I'm here representing the Hobbs Mesa Citizens  
11 Nuclear Information Center, whose website,  
12 www.cnic.wbs.

13 The Atomic Safety and Licensing Board is  
14 sworn to the truth, the whole truth, and nothing but  
15 the truth, and the simple truth is that Louisiana  
16 Energy Services, known as LES, or simply LES, has no  
17 plausible solution for the disposal of its DUF-6  
18 waste.

19 Turning LES DUF-6 waste over to the DOE is  
20 not the plausible solution, because it will be 60  
21 years before Paducah, and other uranium waste sites  
22 east of the Mississippi river will be able to even  
23 begin cleaning up the LES DUF6 waste mess.

24 If LES is allowed to turn its DUF6 waste  
25 over to the DOE, the LES DUF6 waste will pile up at

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1 Eunice for decades to come, therefore turning the LES  
2 DUF6 waste over to the DOE is not the plausible  
3 solution.

4 And the Atomic Safety and Licensing Board  
5 must remove the DOE option for the LES license  
6 application.

7 In spite of the political and propaganda  
8 games that LES has recently made with its announcement  
9 that they have signed a Memorandum of Understanding  
10 with AREVA, the truth is that the Memorandum of  
11 Understanding is not a plausible solution to the LES  
12 DUF6 waste problem.

13 The Atomic Safety and Licensing Board must  
14 refuse to grant LES an operating license unless LES  
15 amends its NRC license application to include a  
16 legally binding agreement that a deconversion plant  
17 will be built, and will take LES DUF6 waste, before  
18 LES produces any DUF6 waste.

19 And that LES will not store any DUF6 waste  
20 at Eunice, or 100 yards across the Texas-New Mexico  
21 state line Waste Control Specialists, which is known  
22 as WCS.

23 The Atomic Safety and Licensing Board is  
24 sworn to the truth, the whole truth, and nothing but  
25 the truth. And the simple truth is that LES has no

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1 plausible solution for the disposal of its DUF6 waste.

2 Therefore the Atomic Safety and Licensing  
3 Board must refuse to grant LES an operating license.  
4 Thank you for allowing me to speak to the Atomic  
5 Safety and Licensing Board.

6 CHAIR BOLLWERK: Thank you, sir, for  
7 coming and speaking with us today.

8 The next individuals are Randall  
9 McCormick, Fay Thompson, and then Lucille Kellum.

10 MR. MCCORMICK: Hello, I'm Randall  
11 McCormick, I'm a Lea County Commissioner from District  
12 1 of Lea County, which is north of here.

13 I support the Nuclear Regulatory  
14 Commission for proceeding over these licensing  
15 processes. I trust in the Nuclear Regulatory  
16 Commission's ability and that they will do the right  
17 thing for our community, of Lea County, and also  
18 Eunice, New Mexico.

19 I had the opportunity to visit Urenco's  
20 plant in Almelo, in December. I found the plant to  
21 be an impressive piece of work that these boys have  
22 done a really, they know what they are doing, very,  
23 very impressive, as far as the way they handle the  
24 material, always safety-oriented, a tremendous bunch  
25 to work with.

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1                   We also got to visit with community  
2 leaders there, of Almelo. And they expressed the  
3 willingness of Urenco to work with them as being  
4 community oriented operation.

5                   And also all of the residents of Almelo  
6 that we visited with, we had nobody that was in  
7 protest of that facility being there, as well.

8                   I stand in support of LES because the  
9 America needs the energy and the independence from the  
10 world. I think we need to bring the enrichment to the  
11 United States, and not have to hire it from abroad.

12                   Lea County needs the expertise and the  
13 economic growth of what LES is going to bring to us  
14 and also the national enrichment.

15                   I have confidence in the personnel of NES,  
16 and their goals, and most importantly, their safety  
17 standards. I know they have been working with the  
18 local colleges to educate people that they need to run  
19 the facility.

20                   And, so, therefore, I think that they will  
21 be excellent for our community and our county. Thank  
22 you all for listening.

23                   CHAIR BOLLWERK: Thank you, sir. Fay  
24 Thompson, and then Lucille Kellum, and then Alice  
25 Hahn.

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1 MS. THOMPSON: My name is Fay Thompson,  
2 I'm with Carrol mines. Our oil field has made us a  
3 good living, but we don't think that is one option,  
4 and that is working the oil fields in order to stay at  
5 home.

6 LES has done everything in the world --

7 CHAIR BOLLWERK: Hold on for one second.  
8 Can you move that mike a little bit? The Court  
9 Reporter is having a hard time hearing what you have  
10 to say. Thank you.

11 MS. THOMPSON: LES has done everything  
12 that they can do to explain to us what this is all  
13 about. We are not a dumb bunch. We have lived  
14 through the oil field, we have people south of town  
15 that didn't manage to live through the oil field.

16 We have the Maine people that is still  
17 here. The oil field is our living. But we need a  
18 choice in whether it is the oil field, or something  
19 else. LES comes in here, it will give us a choice.

20 I have three kids and four grandkids, I  
21 would do nothing that would harm them in any way. And  
22 LES is going to come in here with so much regulations,  
23 and all of that, it is going to be a walk in the park  
24 from what we are used to.

25 I visited with this man, here, the other

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1 day. And it surprised me that he didn't know any more  
2 about the oil field than what he does. I don't know  
3 if you guys know anything about the oil field. But if  
4 we can survive the oil field, and we have, then LES is  
5 not going to be a problem at all.

6 I have been told all my life that a  
7 rattling trailer usually means it is empty, and there  
8 is some people here today that has things to say  
9 against LES, they are not entitled to that. They  
10 don't even live here, they don't have a clue what the  
11 oil field is all about. They should be glad that LES  
12 is going to come in here.

13 Sure, it is going to make them money, but  
14 it is going to make our way of life a whole lot  
15 better, and give us a choice. You guys don't even  
16 live here.

17 Also, we appreciate you all taking the  
18 time to see after us. But we are not a stupid bunch  
19 of people. And that is all I can say to you all.  
20 Where do you guys live?

21 But this is a hard life out here. LES  
22 will make our lives much easier. And they have done  
23 everything that they've said they was going to do,  
24 they have done. And I think you all are going to be  
25 making a horrible mistake, and you all are condemning

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1 us, in Lea County, if you all don't let them come in  
2 here and give us an opportunity to have a better way  
3 of life. I thank you all.

4 CHAIR BOLLWERK: Thank you very much for  
5 coming to speak with us this morning.

6 MS. HAHN: Lucy Kellum is not here today.

7 CHAIR BOLLWERK: Okay.

8 MS. HAHN: My name is Alice Hahn, and I'm  
9 the principal of Mettie Jordan Elementary School here  
10 in Eunice. I would like to take this opportunity to  
11 thank the NRC Licensing Board for presiding over these  
12 proceedings today.

13 I am confident the NEF plant will be safe.  
14 I had a background in chemistry and biology before I  
15 entered the education field. I have taught units of  
16 nuclear energy and earth science.

17 Since the question of the enrichment plant  
18 has come up I have read the available material, as  
19 well as having done some investigations of current  
20 information, in both the library and on the internet.

21 I am confident this plant will be of no  
22 danger to us. I appreciate the consistent and  
23 reliable contentions the NEF officials have maintained  
24 with the community of Eunice regarding the plans, the  
25 licensing, the construction, and operations of their

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1 company.

2 I feel they have been honest about the  
3 nature of their operations. Speaking as a  
4 representative of Mettie Jordan elementary school we  
5 are eager to welcome the additional children who may  
6 move here as a result of the building of the uranium  
7 enrichment plant.

8 We appreciate NEF personnel working with  
9 us, at the school, as we look at the space and  
10 anticipate additional instructional needs. We are  
11 looking forward to additional growth in our school.  
12 Thank you.

13 CHAIR BOLLWERK: Thank you for coming to  
14 speak with us this morning. The next name I have is  
15 Lynn White, then Hector Ramirez, Sr., then Sam  
16 Spencer.

17 MR. WHITE: Mr. Chairman, fellow members  
18 of the panel, we want to wish you folks a hello from  
19 Eunice, New Mexico. I'm glad that you are here. I'm  
20 editor of the Eunice News, here in Eunice.

21 And we know that the majority, and I think  
22 you people probably know, the majority of the people  
23 in Eunice and Lea County are one hundred percent  
24 behind the LES plant being built.

25 I'm sure that you folks have listened to

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1 a lot of arguments, all through the week, and we  
2 appreciate that, about the environmental impact. And  
3 I think that you will find that this environmental  
4 area that we have is a most unique area, probably, of  
5 the United States, and maybe even the whole world.

6 That it is just another part of energy,  
7 because we have been in energy all of our lives, here  
8 in New Mexico. You folks are sitting on, probably,  
9 one of the largest oil fields in this part of the  
10 whole country.

11 They have been poking holes in this county  
12 for the last 70, 75 years, and have taken a lot of oil  
13 out of this county. But we've only got between one-  
14 fourth to one-third of the oil that has been extracted  
15 from this area.

16 So we have a lot more oil to go. But that  
17 doesn't mean the next 15 years, 50 years down the  
18 road, that it is going to be very easy to extract. So  
19 what I think you people need to look at is what is  
20 going to happen 25 to 50 years down the road, that  
21 this oil that is selling right at 50 dollars a barrel,  
22 and we are expecting it to go up even higher than  
23 that, 50 years from now I don't have a clue.

24 But I can tell you that it is going to  
25 cost a lot more money to get that oil out of the

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1 ground than it is right now, today, at 50 dollars a  
2 barrel.

3 So you have to make a decision on where we  
4 are going, and you've got several options on where to  
5 go. You can go to solar energy, you can go to wind  
6 energy, none of those, they have too many variables in  
7 there. As a matter of fact they don't work  
8 consistently.

9 It is my belief that nuclear energy is the  
10 only answer that you folks have go on. And, of  
11 course, LES is going to be playing a big part in that.  
12 But it is the only thing that I see that you folks are  
13 really going to have to take a long hard look.

14 Because several years ago we had a little  
15 electric station in Loveland, Texas, that went down,  
16 and ended up affecting nine states. Well, with solar  
17 energy, nuclear energy, that wouldn't happen.

18 And you have to come up with a solution.  
19 That is why we are one hundred percent behind this,  
20 because it is an energy field, and we understand  
21 energy, and we are not afraid of energy. And that is  
22 why we support LES as much as we do.

23 They are a great company, they have been  
24 right up front with us, they have never hesitated,  
25 they have been honest on every turn of the events, and

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1 we appreciate all that they have done.

2 And we definitely appreciate you folks  
3 coming to hear our side. Thank you very much.

4 CHAIR BOLLWERK: Thank you, sir, for  
5 coming to speak with us this morning. Hector Ramirez,  
6 Sr., and then Samuel Spencer Jr., and then Rose  
7 Gardner.

8 MR. RAMIREZ: Good morning, gentlemen. My  
9 name is Hector Ramirez, I represent the City of Hobbs  
10 and also Lea County, and district four.

11 It is a great honor for me to be here this  
12 morning. I didn't prepare a speech, it is from the  
13 heart. Thank you for your time. Lea County has been  
14 here for many, many years, and I think that this is a  
15 great opportunity, not only for Lea County, but also  
16 for the State of New Mexico, to recognize that we have  
17 a state, you know, that we produce things.

18 I had the pleasure to go up to the  
19 Netherlands, LES it was a great opportunity for me to  
20 see, with my own eyes, and talk to the people that  
21 deal with safety, the plant LES started with Almelo,  
22 and the communities of 70,000 people.

23 They have great schools. It is one thing,  
24 you know, that we are really happy that LES promised  
25 this community that we would all work together, so

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1 that this community can produce better citizens. To  
2 help this community to get our kids to go to school.

3 I have two kids and, thank God, they are  
4 working for me. But we have a lot of kids that go out  
5 of the state. They go out when they finish school  
6 because they don't have no place to go work.

7 So this is a great opportunity not only  
8 for Hobbs, and Lea County, but also for the whole  
9 state of New Mexico.

10 LES has been a great company, they have  
11 been real honest with the people of Hobbs, "open door"  
12 policy, or anything. If you have a question you go to  
13 them and they answer you. They don't go behind the  
14 bushes, they go straight, they give you straight  
15 answers.

16 So we are pleased, and thank the Lord,  
17 that we have a company that will provide education to  
18 come to this county, and Lea County, to provide  
19 incentive for the State of New Mexico.

20 Thank you for your time. This is a great  
21 opportunity for my grandchildren. You know, I'm gone,  
22 I'm in the past. But for my grandchildren, you know,  
23 they will finish college, get a degree, they have  
24 opportunity to stay and work in Lea County. Thank  
25 you, gentlemen.

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1 CHAIR BOLLWERK: Thank you, sir. Sam  
2 Spencer Jr., then Rose Gardner, then Erika Valdez.

3 MR. SPENCER: My name is Sam Spencer, I'm  
4 the President of Lea County State Bank, here. And it  
5 is tough for me to follow Hector, I can't speak with  
6 such passion as he has got, I have seen him several  
7 times.

8 I would like to thank all of you for  
9 presiding over these hearings. Although I personally  
10 feel a little impatient, I know that all of this will  
11 cause this process to go forward, and everything will  
12 be out on the table, and the right decisions will be  
13 made.

14 I personally am very much in favor of the  
15 processing plant here in Lea County. It will do good  
16 things for the county, provide economic opportunity.  
17 Just the thought that it is going to be here, I  
18 notice, has raised the spirits in the county.

19 I can tell you, over the last year,  
20 people's outlook is more optimistic. Just last week  
21 we had people in the bank talking about new businesses  
22 they would like to start, because they think the  
23 future is bright here. And part of it has to do with  
24 this project.

25 But it is a larger issue than that. And

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1 I think Congress needs to give us an energy policy  
2 that calls on nuclear energy to provide more of our  
3 electricity.

4 This morning, in the Albuquerque Journal,  
5 there was an Op-Ed piece written by a student, from  
6 Artesia, New Mexico, who now attends Princeton, and I  
7 think he nailed it.

8 If we will use nuclear power to provide us  
9 with more electricity, we can use the natural gas and  
10 oil that we produce in this country, for other things,  
11 and cut our dependence a great deal on foreign oil.

12 That will simplify some of the political  
13 issues that we are involved in, nationally, and it is  
14 absolutely the way that this country needs to head.  
15 This project is important, and it is important even  
16 before we get that energy policy, because it is my  
17 understanding that over 50 percent of the proposed  
18 production is already spoken for by existing nuclear  
19 plants.

20 So this is not too soon, it is probably  
21 behind the curve. And I, for one, am anxious to see  
22 the construction get started. Thank you.

23 CHAIR BOLLWERK: Thank you, sir, for  
24 coming this morning and speaking with us. Rose  
25 Gardner, then Erika Valdez, and Sue Haynes.

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1 MS. GARDNER: I'm Rose Gardner, and I'm a  
2 resident of Eunice. I extend my greetings. I was  
3 fortunate to attend the Atomic Safety Licensing Board  
4 Hearings for Louisiana Energy Services this past week.

5 I learned much. Without going into  
6 specifics it is evident that there are some serious  
7 deficiencies in the application for a license for LES.  
8 Not only in the groundwater issues, which I found  
9 interesting, and various conflicts in the testimony  
10 between the parties, in the contentions, and LES  
11 arguments.

12 Some of the testimony submitted by the  
13 experts, or Public Citizen and NIRS, was thrown out  
14 because the judges felt it was not applicable to the  
15 contentions involved.

16 I didn't see anyone there from the New  
17 Mexico Environment Department. And the  
18 representatives from the New Mexico Attorney General's  
19 office were present. But since their contentions were  
20 not admitted, they were just observers.

21 On Tuesday night this week I approached  
22 the Eunice city Council and explained to them some of  
23 the proceedings and asked them if they were going to  
24 be there, since so many issues regarding the Eunice,  
25 since so many important issues regarding Eunice's

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1 future was being discussed.

2 No one showed up at the hearings the next  
3 few days. Most of the councilors for the city are  
4 full-time employed, so I understand why they can't  
5 attend day time hearings. But our Mayor and City  
6 Manager are employed by the city, and are paid by my  
7 tax dollars.

8 And these people seemed uninterested in  
9 the other side. How could anyone make informed  
10 decisions regarding the planning and the operations of  
11 the facility, and how it will affect the city of  
12 Eunice, if they can't find the time to attend  
13 important hearings like these?

14 I also noted that there were no supporters  
15 of the plant there, either. Some of you supporters  
16 were quick enough to jump on the airplane to get to  
17 the Almelo plant in the Netherlands, but I guess you  
18 are just too busy to check out the legal proceedings  
19 regarding the plant.

20 The Hobbs newspaper keeps us all informed  
21 about the wastewater plant, and all the complaints  
22 being made by the south side community about the  
23 smells coming from there and how to correct this  
24 problem and spending a whole lot of money doing so.

25 We use our senses and can see and smell

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1 what the problem is. The uranium enrichment plant  
2 will also have emissions, and waste waters, only you  
3 will not be able to smell or see the radiation.  
4 Radiation can be a silent killer.

5 I have attempted to get information out to  
6 the local community through our Eunice newspaper. But  
7 the editor and his wife refused to publish anything  
8 anti-LES.

9 My community has their news censored, and  
10 they need to be aware of it. Also, as an addendum,  
11 there was a situation earlier this year where one of  
12 the anti-LES people that has spoken here this morning,  
13 was actually approached by police, and a local store  
14 owner, and he felt intimidated.

15 Those are tactics that are not appropriate  
16 here. You know, integrity is everything. In my  
17 experience with LES, this has not been positive. The  
18 first time that I met Mr. Cohen and Mr. Krich, Krich  
19 told me that the water in the evap ponds was no more  
20 contaminated than the water I was drinking from my  
21 water glass.

22 He also indicated to me that it is really  
23 not his problem if our infrastructure couldn't keep up  
24 with our city's water demands. That the aquifer was  
25 a non-replenishing aquifer, anyway.

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1                   In a statement from the Director General  
2 of the International Atomic Energy Agency, the IAEA,  
3 dated February 2nd, 2005, Dr. Mohammad Al Baradi  
4 states: First put a five year hold on all new  
5 facilities for uranium enrichment and plutonium  
6 separation. There is no compelling reason for  
7 building more of these proliferation sensitive  
8 facilities.

9                   The nuclear industry already has more than  
10 enough capacity to fill its power plants and research  
11 facilities. To make this holding period acceptable  
12 to everyone, commit the countries that already have  
13 these facilities to guarantee an economic supply of  
14 nuclear fuel for bona fide uses.

15                   Then use the five year hiatus to develop  
16 better long term options for managing these  
17 technologies. For example, in regional centers, and  
18 multi national control.

19                   To advance these ideas I have engaged a  
20 group of international nuclear experts, and their  
21 proposals will be put forward in the May conference,  
22 which is in New York.

23                   Tom Ridge, Homeland Security Director, can  
24 be found on television and radio commercials, on a  
25 daily basis. And he recommends that every American be

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1 ready for what may happen in the event of a terrorist  
2 attack; have water, and food, and emergency medical  
3 supplies at hand, because America is under attack, not  
4 just New York City.

5 Now we have this international consortium  
6 coming in and bringing their nuclear mess to my town.  
7 And we are expected just to sit back and let it  
8 happen? No, I don't believe so.

9 There are too many other issues to bring  
10 up. But as a woman, and a mother of two girls, there  
11 is nothing that this company can do for Eunice that  
12 will make it a better place to raise children.

13 There are people from Hobbs that send  
14 their kids to school in Eunice, because they prefer  
15 the small town atmosphere and they find that some  
16 times there is less competition for their kids.

17 Whatever the reason, it is just fine. But  
18 in the future you might be better served by letting  
19 your kids grow up in Hobbs, away from this dangerous  
20 facility.

21 Our governor still remains steadfast in  
22 his opinion that depleted uranium waste be removed  
23 from the state. But, unfortunately, moving it across  
24 the imaginary state line to Texas just won't cut it.

25 There is no good solution to the waste.

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1 It is a fact that no matter which way you go the waste  
2 will remain within five or six miles of the city of  
3 Eunice. That is unacceptable. Thanks.

4 CHAIR BOLLWERK: Thank you very much for  
5 coming to speak with us today, I appreciate it. Erika  
6 Valdez and Sue Haynes, then Dwain Haynes.

7 MS. VALDEZ: Buenos dias y bienvenidos al  
8 Condado de Lea, y al Estado de Nuevo Mexico. Aquí  
9 estoy yo representando la comunidad hispana del  
10 Condado de Lea y la ciudad de Hobbs.

11 Y para enseñar el apoyo de esta comunidad  
12 para la planta de enriquecimiento de uranio.

13 Good morning, welcome to the State of New  
14 Mexico, the City of Hobbs, City of Eunice, and the  
15 County of Lea. I'm here representing not only the  
16 Hispanic community, but also as a lifetime member and  
17 resident of the city and county, just to show the  
18 support of the uranium enrichment facility with LES,  
19 and also to encourage you to offer them, and issue  
20 them a license.

21 The economic benefits that the county will  
22 have from this, as well as the opportunities afforded  
23 to the young people up and coming through the school  
24 system, and all of the future children, future  
25 generations, are too many to mention.

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1                   And it would be a great investment in the  
2 future of Lea County, as well as the future of the  
3 energy industry for the entire nation. So I urge you  
4 to issue them a license, and completely and totally  
5 support them.

6                   Having visited the plant in Almelo, I feel  
7 one hundred percent confident in the ability for this  
8 to be safe for the environment, as well as beneficial  
9 to the economy of the state, and of the county. Thank  
10 you.

11                   CHAIR BOLLWERK: Thank you very much for  
12 coming today. Sue Haynes, and Dwain Haynes, then Dan  
13 Berry.

14                   MS. HAYNES: Good morning, my name is Sue  
15 Haynes, I'm a teacher at Eunice High School. And in  
16 December I was privileged with an opportunity to visit  
17 the Urenco uranium enrichment plant in Almelo.

18                   During this visit I was impressed with how  
19 clean and well maintained the plant facilities were.  
20 Secondly, I observed a safe, well organized, and  
21 professionally managed environment.

22                   The employees who were knowledgeable in  
23 their respective fields were more than willing to  
24 answer any questions we had concerning the enrichment  
25 process and safety issues.

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1 We were reassured that plant safety is a  
2 primary consideration. The community members were  
3 very positive about having the enrichment plant in  
4 their community.

5 Community members discussed how the  
6 enrichment plant had brought in other support  
7 businesses, and industries, which fueled their  
8 economy. It was interesting that a working farm, and  
9 a KOA campground, were located adjacent to the plant.

10 This dramatic proximity reassured me that  
11 the plant is safe for both people and the environment.  
12 As a result of my visit I'm convinced the enrichment  
13 facility is both safe to the environment, and healthy  
14 for our economy.

15 As an educator I believe it is important  
16 to teach our children about alternative forms of  
17 energy. The area of nuclear energy is a wonderful  
18 laboratory which addresses all subject areas and grade  
19 levels.

20 NEF has expressed its desire to support  
21 our community, our students and teachers. The company  
22 will be an excellent resource for our students.  
23 Furthermore the jobs that will be created will provide  
24 our students with a variety of employment  
25 opportunities.

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1 I feel that as a teacher it is my job to  
2 help provide our students with the necessary skills  
3 that will assist them with obtaining successful  
4 careers and employment.

5 In a word, NEF will be a tremendous  
6 resource to students, teachers, and community members,  
7 as well as a wonderful educational partner. As a  
8 parent I'm very pleased that the NEF plant is coming  
9 to our community.

10 As a result of the company's presence I  
11 see a stronger education for our children. I see  
12 growth in our schools, and in the curriculum. There  
13 will be many more job opportunities for Lea county  
14 citizens.

15 I see a strong economy which will provide  
16 a better life for all of our citizens in Lea County.  
17 As well I see a wealth of opportunity for all of our  
18 children.

19 As a parent the safety of my children is  
20 very important. Of all the things I have learned  
21 about NEF and the enrichment process, safety is the  
22 company's number one priority. I support the  
23 construction of the National Enrichment Facility in  
24 the Lea County. Thank you.

25 CHAIR BOLLWERK: Thank you very much for

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1 coming and talking with us today. The next speaker  
2 will be Dwain Haynes, then Dan Berry, then Ray Betzen,  
3 if I pronounced that correctly.

4 MR. HAYNES: Good morning, Mr. Bollwerk,  
5 Members of the Panel, I appreciate each and every one  
6 of you coming to listen to us this morning, thank you,  
7 I appreciate it.

8 This morning I have two letters that I  
9 would like to read to you. One from my superintendent  
10 of the Eunice Public Schools. And, by the way, I  
11 didn't introduce myself.

12 I'm Dwain Haynes, I'm an administrator and  
13 middle school principal with the Eunice public  
14 schools. I do have two children in our public schools  
15 as well.

16 I will read to you two letters, one from  
17 Tony Trujillo, and then one from our technologist at  
18 the high school, and then I will summarize my thoughts  
19 thereafter.

20 This correspondence serves as a letter of  
21 support for the National Enrichment Facility in its  
22 efforts to secure an operating license from the  
23 Nuclear Regulatory Commission.

24 Since the announcement was made that the  
25 National Enrichment Facility, NEF, which submitted an

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1 application, the Eunice Public School District has  
2 been involved in ongoing educational partnership with  
3 NEF.

4 Through discussions with NEF, and New  
5 Mexico Junior College staff, the high school faculty  
6 took a critical look at course offerings, both in  
7 content and variety.

8 Our first step was to review and modify  
9 the algebra curricula for school year '04-'05. Since  
10 the Eunice high school is a small high school with  
11 limited instructional resources, any course additions  
12 or changes are significant.

13 This year, with the company's assistance,  
14 the high school introduced two new courses, namely, a  
15 hands-on applied physics class, and an internet class  
16 entitled Introduction to Nuclear Energy.

17 These additions signal the district's long  
18 term commitment to our children, and parents, to  
19 provide quality and relevant programs. These  
20 activities are just the beginning of a new direction  
21 for the district in the area of workforce development.

22 Starting with the school year '05-'06, the  
23 district will begin to develop a comprehensive career  
24 and trades curriculum, including revised curriculum,  
25 new courses, career pathways, workforce counseling,

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1 and renovation of needed facilities.

2 Thank you for your careful consideration  
3 of the critical application affecting the future of  
4 our children, Tony Nolan Trujillo, superintendent of  
5 the Eunice Public Schools.

6 My next letter comes from Jean Strickland,  
7 Technologist, he is our tech 2000 teacher at the high  
8 school. I am writing to express my support in  
9 Louisiana Energy Services for the construction of the  
10 National Enrichment Facility.

11 The educational potential this facility  
12 will create has already begun to take hold in the  
13 Eunice public schools. I am the instructor of  
14 technology lab at the high school.

15 Within my class, with the assistance of  
16 technology, we pursue a variety of disciplines and  
17 discover various means to solve problems we encounter.

18  
19 My students have had numerous  
20 opportunities to interact with the professionals  
21 employed as Louisiana Energy Services. The various  
22 services and skills that will be required from the  
23 larger business community in the future will require  
24 students of Eunice public schools to obtain an even  
25 greater quality of education than the high quality

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1 that you are now obtaining.

2 My students are ready and willing to meet  
3 the challenges of tomorrow, and with the vast  
4 opportunities LES is providing, my students will be  
5 able to make an even greater impact on our society.

6 That being said, the ultimate goal of  
7 education is to produce citizens who are willing and  
8 able to make an impact for the advancement of society,  
9 respectively, and in support, Gene Strickland, Eunice  
10 High School.

11 Mr. Bollwerk and members of the Panel, I  
12 would say this in my respects toward the situation.  
13 I, as an administrator, as a parent, and as a  
14 community member, support NEF.

15 I have not been over to see their plant,  
16 but I have been paying attention to what they've been  
17 doing as far as their education of this county. I am  
18 impressed with the precision, with the quality, with  
19 the effectiveness of the way that they conduct  
20 themselves concerning their plant.

21 I can tell you that they will bring to our  
22 children and to our community economic resources and  
23 an education that is phenomenal. And I look forward  
24 to working with these folks. Thank you.

25 CHAIR BOLLWERK: Thank you, sir, for

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1 coming to speak with us this morning. Dan Berry, then  
2 Ray Betzen, then Jerry Harper. Mr. Berry's not here  
3 at this point. Let's try, then, Ray Betzen if he's  
4 here. All right, how about Jerry Harper then?

5 MR. HARPER: I'm Jerry Harper. I'm the  
6 Fire Chief of the Eunice Fire Department here in  
7 Eunice. First of all, I just want to say thank you  
8 all for coming down to hear what we have to say about  
9 NEF and LES.

10 We feel confident, or I feel confident  
11 about NEF, LES coming in for this uranium mine. I  
12 feel like they'll be real safe for this area here. I  
13 feel like that they've proved their self, other areas,  
14 and everything about their safety, their business.

15 I have children myself here in Eunice. I  
16 have grandchildren. I feel like that it will be a  
17 safe manner, even as they grow up. I feel like that  
18 they'll be in here to help out with the job situation  
19 as far as this area.

20 And it will replenish southeastern New  
21 Mexico. It will benefit the whole part of New Mexico  
22 and southwest Texas. And again I just want to thank  
23 you all for coming down here.

24 CHAIR BOLLWERK: Thank you, sir, for  
25 coming today to talk with us. Next, Paula Hayes, then

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1 "Glen Pipes, then Claydean Claiborne.

2 MS. HAYES: Good morning, I'm Paula Hayes.  
3 I'm a citizen of Eunice and I welcome you here. Thank  
4 you for the opportunity to speak. In December I had  
5 the opportunity to go to Almelo and tour the SP5  
6 building at URENCO's plant.

7 I am greatly impressed with what I saw  
8 there. The professionalism of the leaders that  
9 monitor that plant, operate it, and maintain it is  
10 astounding.

11 I look forward to their counterparts  
12 coming over here and working with us in building this  
13 plant here. I am absolutely convinced that LES has  
14 been honest with us and open with us.

15 And I have -- I hope that you would pursue  
16 and continue the licensing process and approve that  
17 soon so that we can start building. I appreciate the  
18 opportunity to speak today. Thank you.

19 CHAIR BOLLWERK: Thank you very much for  
20 coming today and talking with us. The next speaker  
21 will be Glen Pipes, then Claydean Claiborne, then  
22 Darrold Stephenson. Glen Pipes? Then Claydean  
23 Claiborne? Thank you.

24 MS. CLAIBORNE: I appreciate the  
25 opportunity to speak with you this morning. I'm Clay

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1 Claiborne, Mayor of the City of Jal. And I'm pleased  
2 to have the opportunity to reiterate that our  
3 community continues to give our support to the LES  
4 project.

5 Our support was not given until after we  
6 had done our own environmental impact study. When I  
7 was given the opportunity to stand in a uranium  
8 enrichment facility compound, watch the ducks swimming  
9 in the stream which ran through the plant yard, watch  
10 cows grazing along the fence line, and visit with  
11 individuals who were kept with their families around  
12 the perimeter, my study was complete.

13 And it was gratifying for me to find that  
14 the NRC Environmental Impact Statement confirmed my  
15 findings. I was more scientific than I thought. For  
16 anyone who may still have questions, please be assured  
17 that there will be an impact on this area.

18 It will be a very, very positive impact.  
19 Our quality of life in this area is very good, but  
20 will be enriched by the opportunities that will be  
21 opened to us.

22 It is my opinion that the construction and  
23 operation of this facility will enable us to offer  
24 diversified employment, and allow more young adults to  
25 remain in this area.

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1 In my opinion, the only thing that would  
2 make this project better, if it were located just a  
3 little further south, closer to our community. Thank  
4 you.

5 CHAIR BOLLWERK: Thank you for coming to  
6 speak with us today. Next speaker will be Darrold  
7 Stephenson, then Ben.

8 MR. STEPHENSON: Claydean basically has  
9 said just about everything that I need to say. I live  
10 in Jal, so we've tried to move the plant over.  
11 Problems appear to be closer to Jal, but we do  
12 appreciate and accommodate these people.

13 And this morning, I feel like I'm speaking  
14 to the choir. I don't know you gentlemen or what  
15 parts you play in this. If you're judging by  
16 character, I am a character.

17 And I talked to Tim, and I appreciate him  
18 very well. And the LES people I do support. I'm  
19 going to read a few little things here from some  
20 publications that I receive about every two months.

21 And in this is about all I know about  
22 nuclear energy. And at the end of this I'll give you  
23 a little demonstration of how, if we do not get this  
24 plant, get nuclear energy started in this area, how we  
25 will stand within the next few years.

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1           So basically, you may have written some of  
2 these articles. I don't know. Some people may have.  
3 But here it says America needs plentiful supply of  
4 electricity at an affordable cost, and with a lower  
5 environmental impact.

6           And nuclear energy is one of the few  
7 options available to achieve these ends. And Energy  
8 Secretary Spencer Abraham said nuclear power is the  
9 only large scale source of -- no, not yet. Not yet.

10          But I -- this demo here, don't anybody  
11 panic or anything. I'll get to this, okay. But  
12 anyway, it says Spencer Abraham said that nuclear  
13 power is the only large scale source of domestically  
14 produced electricity that does not produce greenhouse  
15 gases.

16          That's an interest to me too. We live in  
17 an oil patch. And, sir, you can smell what we smell  
18 each day. So anyway, another one here, all hundred  
19 and three commercial power reactors meet the Nuclear  
20 Regulatory Commission's deadline for implementing more  
21 significant security measures.

22          And I think safety plays a big part in  
23 what we're trying to accomplish here and what people  
24 are really concerned about. Today a hundred and three  
25 reactors privilege electricity to one in five U.S.

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1 homes and businesses.

2 Nearly 440 reactors generate 16 percent of  
3 the world's electricity. And this is where we're at,  
4 because -- hit the lights. This is not to scare  
5 anyone, but historically -- turn the lights back on  
6 then. I don't want anybody to panic.

7 But this is just a demo. Ladies and  
8 gentleman, of what we will -- as our natural resources  
9 deplete, this is what we're leaving our future  
10 generations.

11 Thank you for the lights now, but they  
12 will go out if we do not get some kind of energy to  
13 replace what we have today. Thank you. And I do  
14 support the gentlemen from LES. Thank you.

15 CHAIR BOLLWERK: Thank you, sir, for  
16 coming to speak with us today. Ben Kendrick, then  
17 Richard Dolgener -- did I pronounce that right? Then  
18 Stan Rounds.

19 JUDGE ABRAMSON: You might have to move  
20 that up a little bit.

21 MR. KENDRICK: Good morning, and welcome  
22 to the county, and thank you all for coming down to  
23 meet the citizens of our great state and our great  
24 county, and preside over these proceedings.

25 My name is Ben Kendrick. I'm the

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1 Executive Director for the economic development for  
2 the county. And let me just start out by saying that  
3 EDC of Lea County strongly embraces, encourages and  
4 supports this nuclear enrichment facility.

5 From a purely economic development  
6 perspective, this facility will act as an economic  
7 development anchor for this entire county. The 400  
8 jobs during construction, the over 200 jobs during --  
9 sustained permanent jobs that it will produce and  
10 bring into this county will perpetuate growth in other  
11 industries such as housing.

12 It will enhance our retail community, and  
13 basically provide for an environment to diversity the  
14 economy, and move us away from our dependency so much  
15 on oil and gas.

16 And that's not necessarily a bad thing.  
17 The future, as Darrold just said, Commissioner  
18 Stephenson just said, is these resources will  
19 replenish.

20 Also, I've sat down with Mr. Ferland and  
21 members of his organization, and their enthusiasm is  
22 contagious. I've embraced, and I support and I  
23 believe in the state of the art technology that  
24 they're going to incorporate into this new facility.

25 I think it's a great thing. It's a great

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1 thing for the people of this county. It will  
2 perpetuate growth, and it will perpetuate, again,  
3 diversification of the economy.

4 I'm a patriot. And so from a patriotic  
5 perspective, I truly believe and I know for a fact  
6 that the United States of America needs a domestic  
7 source of enriched uranium so we can feed our own  
8 nuclear energy needs.

9 So again, let me just say that the  
10 Economic Development Corporation of Lea County  
11 encourages, supports, embraces, promotes, whatever you  
12 want to say with the nuclear enrichment facility.

13 And we embrace the LES organization as a  
14 fantastic corporate citizen. And again, thank you  
15 very much for coming to our county. And thank you  
16 very much for presiding over these proceedings. Thank  
17 you very much.

18 CHAIR BOLLWERK: Thank you, sir, for  
19 coming to speak with us today. Richard Dolgener, if  
20 I'm pronouncing that right, then Stan Rounds, then Peg  
21 Pryor.

22 MR. DOLGENER: My name is Richard  
23 Dolgener. I'm the County Judge in Andrews County,  
24 Texas, which is just east of here in Texas. And I  
25 just want to make it known to you all that the

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1 Commissioner's Court of that county has passed a  
2 resolution in favor of LES, in favor of this plant.

3 To bring up some of the comments made  
4 today, there is a storage facility just east of the  
5 state line. WCS -- that started in 1990, that idea,  
6 and went through three legislative sessions.

7 In my session we had a bill passed that  
8 would allow private business to store, treat, and take  
9 care of that low level waste. At this time it's going  
10 back before legislation, and some other tweaking of  
11 that idea.

12 We are trying to get some weight from  
13 Furland Ohio, and I'll kind of talk to you all about  
14 that in just a second, about another agenda item I  
15 have.

16 I also went to Almelo with Randy and  
17 Paula. I spent all afternoon one afternoon downtown  
18 talking to people. I didn't hear any bad. The people  
19 I talked to wasn't scientists. They didn't know  
20 really kind of what went out there.

21 But there wasn't any trouble in the town.  
22 There wasn't any public uproar about that thing being  
23 there. It's been there 30 years, 25 years. Usually  
24 if you have something like that in your community  
25 there's going to be some outcry.

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1 I did not hear any outcry at all. Plus,  
2 you know, the next day we did go to the farm which was  
3 right there growing lettuce, some type of lettuce.

4 And I didn't stay around to eat any of it,  
5 but somebody ate it. I do want to get back to some  
6 comments quickly. This is a regional thing, and it's  
7 also a national thing.

8 And I have realized that it's a low level  
9 part in my state, but this is a national concern.  
10 Wind industry in Texas is starting to grow, but we  
11 can't put our eggs in one basket.

12 We can't put them all in the nuclear power  
13 industry, we can't put them all in the wind industry.  
14 You've got to have oil, wind, all this type of energy.

15 Because that's what's happened to us out  
16 here. All of our eggs have been in oil. Well if  
17 Israel or OPEC decides to open their valves up, we're  
18 dead in the water.

19 So we have to have, economically, these  
20 type of things. As you've heard today, people have  
21 told you this is the oil field. I have 13,000 well  
22 bores in Andrews County, Texas, going from anywhere  
23 from 5,000 feet to 13,000 feet.

24 H2S gas is everywhere. We know that. We  
25 know how to deal with that. So safety is a big issue,

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1 but this community reasonably knows how to deal with  
2 that.

3 I guess my biggest point that I want to  
4 tell you is this is a national matter. And I really  
5 appreciate the Board coming. And as far as a public  
6 official, elected official, they've been real  
7 courteous, the company's been real -- any questions  
8 I've had, the Court's had, they've answered.

9 And the same with WCS. And all this is  
10 administrative. You all know it goes through  
11 processes. I love processes. I love people coming  
12 and voicing their opinion.

13 That's the way this place works. And  
14 anyway, I just want to say that I am in support of,  
15 and the Court does have a resolution in support of it.  
16 Thank you for coming.

17 CHAIR BOLLWERK: Thank you, sir, for  
18 coming this morning. Next name, the next person is  
19 Stan Rounds, then Peg Pryor, then Bill Weaver.

20 MR. ROUNDS: Good morning members of the  
21 Panel. I'm Stan Rounds, recently retired  
22 Superintendent of schools 20 miles north in Hobbs, New  
23 Mexico.

24 I stand before you this morning serving  
25 three purposes. The first is as the Chairman of the

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1 Board of the Hobbs Chamber of Commerce, second is as  
2 the retired Superintendent from Hobbs, New Mexico, and  
3 third is as the new Executive Director of a group  
4 called SENMERC, the South-Eastern New Mexico Education  
5 Resource Center, which represents the 12 south-eastern  
6 districts in New Mexico, all of which are within 100  
7 miles of this facility, or this proposed facility.

8 I think it would appropriate today to  
9 first talk about what I think I know about the plant.  
10 And what I would like to say is that through the  
11 entire process the officials of this company, LES, --

12 JUDGE ABRAMSON: Excuse me. Young man,  
13 turn your cell phone off or take it out please.

14 MR. ROUNDS: Thank you. And the National  
15 Enrichment Facility has been nothing more than fully  
16 cooperative with us as public officials, and as  
17 members of the community.

18 They've been fully forthcoming in their  
19 information be it good, bad or indifferent. They  
20 provided opportunity to many to go to Almelo. I have  
21 not. I've talked to a lot of folks who have.

22 I appreciate their insights, and the  
23 insights of that community. I see no impact that  
24 would be negative in our area. As a 20 year  
25 superintendent of school in New Mexico, as a New

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1 Mexico native, I think I would be terribly unhappy  
2 with an organization who would bring something forward  
3 who would hurt our children or hurt our communities.

4 I have looked at a number of things on the  
5 internet. I've asked for the environmental impact  
6 statements. I've read, and read, and read. And in  
7 the process, my conclusion is there is no reason why  
8 this should not be fully supported in south-eastern  
9 New Mexico.

10 As you've heard, we're already in the  
11 business of energy. We have H2S wells. That's not  
12 good news. That's hard to deal with. The people of  
13 south-eastern New Mexico are tremendously resilient  
14 people, but they're also people who understand danger  
15 and who understand the pressure of energy in the  
16 United States.

17 You heard a gentleman just a minute ago,  
18 Ben Kendrick, say he's a patriot. I think you would  
19 find that most of us in south-eastern New Mexico are  
20 patriots.

21 This is not an issue simply impacting  
22 south-eastern New Mexico or south-west Texas, or west  
23 Texas rather, this is an issue that impacts the nation  
24 as a whole.

25 As we have done historically for over 70

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1 years in Lea County; we support the needs of this  
2 nation. We believe this plant, if you will allow the  
3 licensing, will take an important step forward in  
4 providing for, not only today, but for our children  
5 and our nation in the future.

6 I urge you to approve this license to  
7 allow this to go forward. Gentlemen, one of the  
8 things that I would also suggest is that as a company  
9 like this comes forward, they need to fit into the  
10 fabric of the community.

11 In my role as Executive Director of  
12 SENMERC, and also as a school superintendent, I've had  
13 the opportunity to work with this company for over a  
14 year.

15 And already the company has stepped  
16 forward, not only for the purpose of education  
17 children, but also the important purpose of educating  
18 the community.

19 And through our school districts, through  
20 our chambers of commerce, through our community  
21 forums, this company has come forward and provided all  
22 of the information they could, answered all the  
23 questions they could to begin to set that foundation  
24 of understanding that's necessary as you contemplate  
25 their move into the community.

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1            "They're also good economic partners. From  
2 the Chamber of Commerce side I'd note that they were  
3 immediately joined to our Chamber of Commerce along  
4 with the other chambers within the county.

5            They have been productive assists in our  
6 business of chamber development and of economic  
7 development. Those are good neighbors. Those are  
8 good qualities that are brought forward.

9            That's what I look for in companies that  
10 come to my business or come to my community. As  
11 Chamber President, I'm impressed by those who step  
12 forward immediately when they still have risk and they  
13 have no income.

14           This company is doing that. That sets  
15 them high in my sights, and it should also in yours.  
16 So gentlemen I would again urge that you support this  
17 company, this application, and allow them to come to  
18 Lea County.

19           You see, our children's future is in play  
20 here. Our community's future is in play. Oil and gas  
21 eventually will play out. It may be long time into  
22 the future.

23           This community has been very dependent on  
24 just one source of economic development. Finally we  
25 have opportunity to move the energy field, something

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1 we understand, something we support into another  
2 spectra, in diversification if you will.

3 That's not only important for America, but  
4 that's important for south-eastern New Mexico. Thank  
5 you for your consideration today.

6 CHAIR BOLLWERK: Thank you, sir, for  
7 coming and speaking with us. Next speaker would be  
8 Peg Pryor, then Bill Weaver, then Pat McCasland.

9 MS. PRYOR: Hello, my name is Peg Pryor.  
10 I'm from Andrews Texas. I am against LES coming in.  
11 Waste Control Specialist is a facility in Andrews that  
12 is just five miles from here who is going to be  
13 getting waste products from all over.

14 LES's uranium enrichment, they will be  
15 bringing in all kinds of -- they will bringing about  
16 the enrichment of uranium, the very thing that the  
17 United States is complaining about Iran doing.

18 What are we doing? Why aren't we thinking  
19 about our land the way it should be thought of, our  
20 water, its resources. In west Texas that's our life  
21 blood.

22 We need water. Why are we having a  
23 facility that's going to be using your water here in  
24 New Mexico, in Hobbs, and here using that water that  
25 the citizens here need to be using.

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1                    We still grow crops in this part of the  
2 world. My parents were farmers way back. They moved  
3 to west Texas and my dad worked in the oil field. I  
4 know what its problems are.

5                    I know we have a lot of wells that are  
6 pumped full of all kinds of chemicals and stuff. Our  
7 groundwater is precious. We need to conserve it. LES  
8 and WCS are bringing -- are going to be bringing in  
9 stuff and putting it in our grounds.

10                   It is just a compliment from one to the  
11 other. Let's think about our world and what we've  
12 done. We are given, as God gave us, an opportunity to  
13 be good stewards of our land, and we need to make sure  
14 that we can not only conserve our water, which is the  
15 major concern.

16                   When they're already trying to stop people  
17 from watering their land because it needs to be  
18 conserved, and yet we're going to be bringing in a  
19 business that's going to be using a compound amount of  
20 water out of the Eunice reservoir.

21                   For WCS, it's -- the Ogallala aquifer is  
22 under there, under the WCS site. Well, now they tell  
23 me the Santa Rosa's here in New Mexico under Lea  
24 County. Santa Rosa is what WCS tells me we get our  
25 water from also in Andrews.

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1                   What are all these things, these problems  
2 that are -- that we have been laid out. The WCS has  
3 told us that now you're going to be drinking less  
4 where it can leech into the ground.

5                   It can go into the air. It can completely  
6 destroy our ecosystem. I feel like that you need to  
7 consider that yes, there are people in this part of  
8 the world who are against this nuclear power.

9                   Sure, why not use those places that are  
10 already in existence? Is it that the uranium  
11 enrichment plant in the other part of the country only  
12 at 50 percent production?

13                   Why aren't they making it 100 percent  
14 production? Why do we need to build a new facility  
15 here? We have nuclear waste all over the place. It  
16 is stored in areas that are nothing but what they call  
17 brown fields, fields that have caused people  
18 illnesses, cancers of all kinds, breathing problems.

19                   We have the problems where they had plant  
20 facilities where employees have had millions of  
21 dollars spent because of their health issues. Let's  
22 go back to where this has started. We already have  
23 these facilities.

24                   We already have a plant in existence. Why  
25 bring in another one? We can use those plants that

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1 are there. Let the Nuclear Regulatory Commission go  
2 and work those communities and help those people bring  
3 about a resolve to their problems. Don't bring  
4 problems to our part of the world.

5 These are problems that we don't need a  
6 part of. We need our underground water protected  
7 because it is all underground. We can see the lights  
8 in the areas.

9 When this stuff leeches and it gets into  
10 our water system, it will not only affect our part of  
11 west Texas, it will affect all over. The Edwards  
12 aquifer aquifer is next door.

13 We have the Santa Rosa. WE have the  
14 Ogallala aquifer brought here under this part of the  
15 country. Please think about these things and think  
16 about the impact this is going to have on our earth  
17 and our planet.

18 I still plant a garden every year. The  
19 air emissions, will this be affecting our gardens,  
20 what we eat our food off of? We have cows. We have  
21 all kinds of facilities.

22 Yes, they talk about how wonderful this  
23 is, but they forget about all of this stuff that has  
24 already piled up in other states and other  
25 communities.

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1 We don't need that piled up here in west  
2 Texas. We have enough problems with the underground  
3 sources that we have, with the oil fields that are --  
4 got percolate pumped into the oil wells that were just  
5 underground.

6 We have major problems. We don't need any  
7 more. Thank you.

8 CHAIR BOLLWERK: Thank you for coming and  
9 speaking with us this morning. At this point I have  
10 two names left on the -- that have registered or have  
11 signed in with us today, Bill Weaver and Pat  
12 McCasland.

13 If anyone else is here that wants to speak  
14 this morning, there's a table over there with sign up  
15 sheets. You can certainly do that. Also, an  
16 opportunity, if you prefer, to provide us with a  
17 written statement, there are sheets for that as well.  
18 Let's go then to Mr. Weaver.

19 MR. WEAVER: I found out five minutes ago  
20 I was going to be saying something so I haven't  
21 planned anything. So everything I say is now.

22 My only credentials is that I've lived  
23 here for around 70 years, probably longer than anyone  
24 here. I started school in Eunice, the first school  
25 that we had.

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1 Now we had a homesteading school, we  
2 didn't have a credit rating system. So I've grown up  
3 with the town and the educational system in Lea  
4 County. I grew up with Lea County.

5 And I have found out one thing, myself  
6 being with no credentials at all, as I said, I have  
7 found the trust that our government and people of  
8 authority that know what they're doing, I want you to  
9 know that I trust you all, I trust LES, people that's  
10 active in trying to help our community.

11 And I don't mind standing up for Eunice,  
12 and that's what I'm doing today.

13 CHAIR BOLLWERK: Thank you, sir, for  
14 coming and speaking with us. Pat, is it McCasland or  
15 McCasland, or am I -- I'll let you pronounce it. I'm  
16 probably --

17 MR. McCASLAND: McCasland.

18 CHAIR BOLLWERK: McCasland, I didn't even  
19 get it close. I apologize, sir.

20 MR. McCASLAND: Well, thank you very much.  
21 All right. Can everyone hear okay?

22 CHAIR BOLLWERK: Yes.

23 MR. McCASLAND: I want to thank you all  
24 for being here. I want to thank Mr. Lovejoy for  
25 asking questions, and Mr. Krich for answering the

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1 questions. You know; it's such a process to witness.

2 I wasn't at the hearings this week. But  
3 the process is doing one thing. It's ensuring the  
4 safety of my family and this community and area. And  
5 I really appreciate you all going through everything  
6 that you do, and being away from your families, and  
7 coming out here to ensure that, like Mr. Weaver said,  
8 that we're safe.

9 I was born in Eunice in 1950. I currently  
10 reside east of town, I think it's 2.63 miles from the  
11 proposed facility. I went to school here, graduated  
12 here, went to Osark Bible College in Missouri, came  
13 back to the Junior College.

14 Then I went to New Mexico State and  
15 graduated with a degree in biology. Went to work for  
16 an oil company locally, then had a hardware store for  
17 about 12 years.

18 Then I went to work for the New Mexico  
19 Environment Department at a nuclear facility just east  
20 of Carlsbad. And it's the WIPP site. And you may be  
21 familiar with that.

22 But during the five years I was there I  
23 got, I guess, familiar with the nuclear industry, and  
24 waste, and the different types of processes that are  
25 utilized in the United States, well, throughout the

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1 world.

2 Anyway, I have, I think, a knowledge base  
3 that allowed me to read the application, parts of it,  
4 and also review the NRC's Environmental Impact  
5 Statement.

6 And I found that the documents represent  
7 a safe facility. And that -- well I live next door to  
8 it. It's not going to have any impact on my family or  
9 my residence.

10 That's my assessment of that facility,  
11 that it can be operated safely, that the potential  
12 hazards are real, but they're going to be managed in  
13 a way that will provide us a safe -- it will provide  
14 our safety and protect us.

15 And the hazards, I think, are important  
16 enough for the United States Government to be here for  
17 a multinational company to find a place suitable for  
18 a facility like this, for nuclear groups, advocacy  
19 groups from Washington D.C., and all over the country  
20 are here in Eunice, New Mexico today, because of the  
21 hazards.

22 They ask questions. LES and the NRC were  
23 able to answer those questions adequately, in my view.  
24 Again I want to say thank you. And the benefits of  
25 this facility are going to be -- well they'll be

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1 beneficial to the area.

2 The potential hazards, like Mr. Weaver  
3 said, the County Commission, the City of Eunice,  
4 Andrews, Hobbs, the -- none of us are nuclear  
5 scientists or modelers.

6 We don't know exactly how to do that so we  
7 come to a point where we're going to have to trust  
8 you. We're going to have to trust LES. And that's  
9 where I'm at.

10 I'm glad you're here. And everything so  
11 far has built trust. And I appreciate you being here.  
12 I would ask one thing, that in your deliberations that  
13 you involve the State of New Mexico, the Governor of  
14 this state.

15 They have people that are -- the  
16 Governor's charged with protecting the environment and  
17 the public. And I want you to make a special effort  
18 to keep him informed so that he can keep his  
19 regulators, the people that are knowledgeable about  
20 things, to keep them informed because there are front  
21 aligned advocates. Again, thank you for all being  
22 here.

23 CHAIR BOLLWERK: Thank you, sir, for  
24 coming to speak with us this morning. Let me check a  
25 couple names of individuals that didn't answer the

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1 first time. Maybe they've come in since then.

2 Dan Berry, any chance? Ray Betzen or Glen  
3 Pipes? All right. At this point we've been going  
4 almost an hour and a half. We're going to take about  
5 a ten minute break.

6 I know there's at least one individual who  
7 spoke before that would like to say something further.  
8 If anyone else who's here currently would like to sign  
9 up to speak, the sheets are over there.

10 We encourage you to do so. Or if you  
11 prefer, we have sheets over there to make, put some  
12 kind of a written statement before us as well. At  
13 this point why don't we stand adjourned for about ten  
14 minutes. Thank you.

15 (Whereupon, the above-entitled matter  
16 went off the record at 11:20 a.m. and  
17 went back on the record at 11:34 a.m.)

18 CHAIR BOLLWERK: All right, if we can go  
19 on the record please. Let me just check again one  
20 more time to make sure that, again, some individuals  
21 that we -- whose names we'd gone through before hadn't  
22 been here, hadn't shown up.

23 Dan Berry, Ray Betzen, and Glen Pipes.  
24 Okay, I understand at this point that Mr. Cheney wants  
25 -- wishes to speak again, or has something additional

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1 he wants to say. And feel free, sir, to use that  
2 microphone that's convenient for you. That's fine.

3 MR. CHENEY: Hello?

4 CHAIR BOLLWERK: There we go. There it  
5 is.

6 MR. CHENEY: I'll be brief because  
7 everybody wants to go to lunch. What I wanted to ask  
8 the Licensing Board to consider very, very carefully  
9 and in depth is the fact that LES is owned by URENCO,  
10 which is a foreign owned corporation owned by England,  
11 France, and Germany, which means that this enrichment  
12 facility will be under the ownership and control of  
13 foreign nations, which in my view is an extremely  
14 dangerous situation for the United States to be in.

15 And I'm just asking that the ASLB take  
16 this into consideration. I propose that the ownership  
17 of LES be 51 percent owned by the people of Lea  
18 County. This I proposed to the NRC a year and a half  
19 ago.

20 Obviously there are problems with the  
21 international corporations and banks. And these  
22 problems can very well translate into problems for us  
23 if the licensing application of LES is not modified in  
24 such a way to protect American interest. Thank you.

25 CHAIR BOLLWERK: Thank you again, sir, for

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1 coming and speaking with us today. At this point let  
2 me see. Do we have any other -- anyone else that's  
3 signed up at this point?

4 All right, is there anyone else here that  
5 hasn't signed up that thinks they would like to speak?  
6 This is not your last change, necessarily, if you want  
7 to come back this afternoon, but it may be your last  
8 chance in terms of this session this morning.

9 I don't see anyone else in the room that  
10 appears, at this point, to want to address the Board.  
11 So we will go ahead and take our recess for lunch. Let  
12 me just mention a couple of things.

13 If someone does want to, again, leave us  
14 a written statement there's an opportunity over there  
15 to do that. The Board members will read those and we  
16 will have them put into the record.

17 If you know of anyone that wishes to come  
18 this afternoon, we will be meeting again at two  
19 o'clock. We will be here potentially for several  
20 hours to listen to additional statements from members  
21 of the public who have an interest in the proceeding.

22 The Board, on behalf of Judges Kelber and  
23 Abramson, I appreciate everyone taking time this  
24 morning on a weekend day to come and let us know your  
25 concerns and your thoughts about this, the LES

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1 facility, and what's proposed for the national  
2 enrichment facility.

3 So at this point, if there's nothing  
4 further from any of the Board members, we will stand  
5 adjourned until two o'clock. Thank you very much.

6 (Whereupon, at 11:40 a.m., the above-  
7 entitled matter was adjourned.)  
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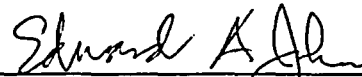
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Louisiana Energy Services  
National Enrichment Facility  
Limited Appearances Hearing

Docket Number: 70-3103-ML  
ASLBP No. 04-826-01-ML

Location: Eunice, NM

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



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