

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

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

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

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD
(ASLB)

+ + + + +

LIMITED APPEARANCES HEARING

In the Matter of:

LOUISIANA ENERGY SERVICES, L.P.
(National Enrichment Facility)

Docket Nos.
70-3103-ML
ASLBP No.
04-826-01-ML

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 2:00 p.m.

BEFORE:

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

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JAMES PARK

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I-N-D-E-X

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

2:00 p.m.

CHAIR BOLLWERK: All right, let's go ahead and go on the record, please. Good afternoon everyone. Before I begin, I'd just offer for those of you who were here this morning an apology.

I'm going to give a brief introduction that you've already heard. But I hope you'll bear with us because we probably have some folks here that were not here this morning.

And we'd like to give them some information about exactly why we're here and what we're going to be doing. Let me begin as I did this morning by introducing ourselves.

In accordance with the provisions of the Atomic Energy Act and the regulations of the Nuclear Regulatory Commission, we are three Administrative Judges appointed to sit as an Atomic Safety and Licensing Board to conduct an adjudicatory proceeding in connection with the currently pending challenge of several intervening parties, including the Attorney General of New Mexico, the New Mexico Environment Department, the Nuclear Information and Resource Service, and Public Citizen to the December 2003 application of Louisiana Energy Services L.P., or LES,

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1 for a license under part 70 of Title 10 of the Code of
2 Federal Regulations, or the CFR for authorization to
3 possesses and use source by-product and special
4 nuclear material, in order to enrich natural uranium
5 to a maximum of five percent uranium 235, or U-235, by
6 the gas centrifuge process.

7 As many of you here know, LES proposes to do
8 this at a facility denominated as the National
9 Enrichment Facility, or NEF, to be constructed near
10 Eunice, New Mexico.

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

14 To my right is Dr. Paul Abramson. Judge
15 Abramson is both a physicist and an attorney, and a
16 full-time member of the panel. My name is Paul
17 Bollwerk, I'm an attorney, and the chairman of this
18 Licensing Board.

19 As part of our function, with respect to the
20 LES Enrichment Facility proceeding, we are here this
21 morning to entertain oral limited appearance
22 statements in accordance with Section 2.315(A) of
23 Title 10 of the Code of Federal Regulations.

24 So that there will be a common understanding
25 about what is involved in this proceeding, and with

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1 respect to the limited appearance process, I would
2 like to take a few moments to provide some background
3 about both.

4 In response to a Notice of Opportunity for a
5 Hearing, published in the Federal Register, on
6 February 6th, 2004, which can be found at volume 69 of
7 the Federal Register, beginning at page 5837, in
8 accordance with 10 Code of Federal Regulations,
9 Section 2.309, various petitioners requested a hearing
10 to challenge the December 12, 2003 application of
11 Louisiana Energy Services for permission to construct
12 and operate the proposed NEF, which is intended to
13 produce commercial nuclear power plant fuel.

14 Thereafter, in March and April of 2004, the
15 various petitioners submitted proposed issues for
16 hearing, and LES and the NRC Staff filed responses to
17 those issue statements, as well as the petitioners'
18 arguments about why each had legal standing to be a
19 party to this proceeding.

20 Thereafter the Nuclear Regulatory Commission
21 itself, previously having found that the various
22 petitioners had legal standing to intervene in this
23 proceeding, on June 15th, 2004, this Licensing Board
24 conducted an initial pre-hearing conference, in Hobbs,
25 New Mexico, during which the various petitioners, LES,

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1 and the NRC staff, had an additional opportunity to
2 make oral presentations regarding the admissibility of
3 the proffered issue statements, or contentions.

4 Based on the filings, and the oral argument
5 presented by the Petitioners, LES, and the Staff, on
6 July 19th, 2004, in a ruling reported in volume 60 of
7 the Nuclear Regulatory Commission issuances, beginning
8 at page 40, we concluded that each of the Petitioners
9 had provided an admissible contention, so as to be
10 admitted as a party to this proceeding, in this regard
11 we admitted contentions, concerning both the technical
12 and environmental aspects of the LES application.

13 Following this ruling on contentions, under
14 the Agency's rules and procedure, in 10 Code of
15 Federal Regulations part 2 subpart G, that provide for
16 a formal trial type hearing, pursuant to a Board
17 established schedule, the parties conducted discovery
18 regarding the admitted contentions.

19 Moreover, this past week the Board conducted
20 evidentiary hearing sessions in Hobbs regarding the
21 four admitted environmental contentions. A Board
22 determination regarding those issues currently is
23 slated to be issued in June of 2005.

24 Further, evidentiary hearings on the
25 admitted technical contentions are scheduled for this

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1 fall, with the Board ruling on those matters will
2 follow sometime thereafter.

3 This, in a nutshell, describes the NRC
4 adjudicatory process relating to this proceeding. And
5 this naturally prompts the question, what then are the
6 limited appearances in which the Board has invited
7 public participation, this afternoon?

8 Under Section 2.315(a) of the Commission's
9 Rules of Practice, the Board has the discretion to
10 entertain from any person who is not a party, a
11 written or oral statement of his or her position on
12 the issues in the proceeding.

13 This provision, which was first adopted as
14 part of the Agency's hearing rules, back in 1962,
15 recognizes there is a need to provide an opportunity
16 for input from members of the public, who despite not
17 having sought party status in the proceeding, have an
18 interest in the subject matter of the proceeding.

19 As we indicated, in the January 7th, 2005
20 Federal Register Notice, scheduling today's sessions
21 here in Eunice, oral limited appearance statements,
22 which are transcribed and placed into the official
23 agency docket for this proceeding, are intended as an
24 opportunity for the members of the public to express
25 their views, and may help the Board and/or the

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1 parties, in their consideration of the issues in this
2 proceeding.

3 Indeed, as you can see, like the Board, a
4 number of the parties are here to listen to what is
5 being said this morning. In this regard I would like
6 to take a second, now, to have the representatives of
7 the parties identify themselves for the record.

8 MR. MALHEREK: I'm Joe Malherek with Public
9 Citizen.

10 MR. LOVEJOY: I am Lindsay Lovejoy a lawyer
11 from Santa Fe. And I'm here representing Nuclear
12 Information and Resource Services and Public Citizen.

13 MR. CURTISS: I'm Jim Curtiss representing
14 LES in this proceeding. And I'm a lawyer with the law
15 firm of Winston & Strawn in Washington, D.C.

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

17 MS. CLARK: My name is Lisa Clark. And I'm
18 representing the NRC Staff.

19 MR. JOHNSON: My name is Tim Johnson. I'm
20 an NRC licensing Project Manager for the facility.

21 CHAIR BOLLWERK: Thank you Beth. This is
22 Beth Engel, our Law Clerk who is doing the honors with
23 the microphone. I appreciate it. I thank the parties
24 this afternoon for being here both this morning and
25 this afternoon, taking the time to be here with us.

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1 The Board very much appreciates it. In this
2 regard, let me emphasize, again, that this is an
3 opportunity to hear from interested members of the
4 public.

5 Consequently, the representatives of the
6 parties will not be making statements here this
7 afternoon, rather like the Board, we're here to
8 listen.

9 Finally, let me just say a word about the
10 procedure for making a statement. We had some
11 individuals who pre-registered and will be afforded an
12 opportunity to speak first at this session.

13 Once we have heard from those individuals
14 we'll move on to anyone who registers here this
15 afternoon. For anyone who wishes to make a statement,
16 on the table over on the side over there is a sheet to
17 write your name and affiliation if any.

18 We'll collect those sheets from time to time
19 and call the speakers in order as they sign in. I
20 should emphasize that if you did not pre-register, you
21 must sign in if you wish to speak.

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

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1 These written limited appearance statements
2 will be reviewed by the Board members and placed in
3 the Agency's official docket for the proceeding as
4 well.

5 With regard to the oral statements, we'll
6 keep a watch on the time each speaker is taking and
7 advise you when you need to conclude your remarks.
8 For this session, given the number of pre-
9 registrations, we'll begin by permitting statements of
10 up to five minutes.

11 However, if we see that the list of speakers
12 is growing, we reserve the right to shorten the time
13 allotted for each presentation to ensure that anyone
14 who wishes to speak has the opportunity to do so.

15 And I should say I think we got to some
16 degree a break with the weather this morning. I think
17 it kept everyone off the golf course. It may be
18 somewhat less crowded this afternoon.

19 But we do appreciate everyone coming in and
20 talking with us. I should also mention that we've
21 had, I guess, some feedback that sessions in the
22 evening might work better for a number of individuals.

23 We will certainly take that into account as
24 we look toward the evidentiary sessions in the fall
25 and perhaps try to do one or more sessions in the

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1 evening that might accommodate some other folks who
2 couldn't make it in this afternoon on a Saturday.

3 So we will certainly bear that in mind. And
4 we appreciate hearing from folks that that might work
5 better. Finally, I think it's important to allow the
6 Board and the parties to hear fully the remarks of
7 each speaker without intrusions.

8 Accordingly, I would ask that you respect
9 each individual's right to address the Board by not
10 unduly interrupting with verbal comments or other
11 sounds either supporting or opposing the viewpoint
12 being espoused.

13 And, again, I should mention at this point
14 we'd appreciate if you could turn off any cell phones
15 that you have, again, to maintain the dignity of this
16 proceeding.

17 We'd appreciate that. If you have to make a
18 cell phone call, feel free to go outside. But we'd
19 appreciate any cell phones being turned off at this
20 point.

21 All right. With that explanation, let's
22 begin with our first speaker. In this regard, to
23 assure that things move along smoothly, we're going to
24 announce several names and would ask that the
25 additional speakers who are on deck so to speak move

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1 to one of the microphones in the audience or near one
2 of the microphones so they can begin their remarks
3 promptly after the preceding speaker is finished.

4 And, for this afternoon's session, the first
5 speaker we have would be Gary Dill, then Billy Hobbs,
6 and then Dolores Thompson. So, if Gary Dill is here.

7 MR. DILL: Good afternoon. I am Gary Dill,
8 President of the College of the Southwest, an
9 independent liberal arts college with comprehensive
10 Baccalaureate programs and four Master's degree
11 programs in education.

12 The College of the Southwest is located in
13 Lea County and would be a neighbor to the proposed
14 facility. Our Board of Trustees, faculty, staff, and
15 students, all share an excitement that significant
16 efforts are under way to bring this facility to our
17 community that will demonstrate careful stewardship of
18 our natural resources while reflecting the evidence of
19 good research and science.

20 The LES management team has sought out the
21 services of our community educational institutions,
22 ours, and particularly our sister institution, New
23 Mexico Junior College, to make it possible for members
24 of our local community to obtain the required training
25 and skills to build the facility and to join the NEF

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1 workforce.

2 They welcome and embrace our academic
3 commitment to foster sensitivity to our environment.
4 They assure us that qualities that we are committing
5 to fostering in our curriculum are the same standards
6 that are parallel to their own.

7 We look forward to contributing talented
8 graduates of our college as members of the management
9 and scientific cadre who will constitute the
10 leadership of the new facility.

11 We are grateful guardians of energy
12 resources in this region. The oil and gas industry
13 make us all aware of the tremendous assets that are
14 contained in our environment.

15 It is critically important to us that the
16 development and utilization of energy resources are
17 not harmed or rather be done in such a way that our
18 safety is not compromised, that our natural resources
19 are not harmed, and indeed that the community is
20 actually enhanced by our developments and
21 consumptions.

22 After careful study, we are convinced that
23 our new neighbors who are planning the development of
24 the National Enrichment Facility share this commitment
25 with us.

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1 The College of the Southwest would welcome
2 the National Enrichment Facility to our community.
3 And we look forward to being a partner with them in
4 responsible community leadership and environment
5 stewardship. Thank you.

6 CHAIR BOLLWERK: Thank you, sir, for being
7 with us this afternoon. The next speaker would be
8 Billy Hobbs, then Dolores Thompson, and then Lee
9 White. Mr. Hobbs?

10 (No response.)

11 CHAIR BOLLWERK: How about Dolores Thompson?

12 (No response.)

13 CHAIR BOLLWERK: No? How about Lee White?

14 (No response.)

15 CHAIR BOLLWERK: No? All right, we'll go to
16 the next one. Robert Turner and then Mary Fuller, and
17 then James Brown.

18 MR. TURNER: Good afternoon Mr. Bollwerk,
19 Mr. Abramson and Mr. Kelber. Ladies and gentlemen --
20 is this on? It must be. Ladies and gentlemen, as
21 introduced, I am Robert Turner.

22 And I'm a member of the NAACP Association of
23 Lea County. We support the construction, the
24 location, the operation of the uranium enrichment
25 plant in Lea County.

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1 We have been on board and maintained this
2 same position since the project was revealed to us,
3 which was about two years ago. The NEF officials have
4 been very candid and open with us about the project
5 and what it will entail.

6 We certainly appreciate the visit to one of
7 our meetings by Mr. Marshal Cohen. And, in that
8 meeting he told us everything about the project, where
9 it's going to be, when it's going to be, timelines and
10 answered all our questions and our concerns at this
11 meeting.

12 So, we were very pleased with him to take
13 that time out to come and visit with us. He also
14 informed us about a deconversion plant at that time,
15 at that early stage in the planning.

16 He told us that they would definitely be
17 seeking a deconversion plant. And, as you can see,
18 now it appears that this is going to become to
19 fruition.

20 So, they are very open, very friendly,
21 candid. And, because of the initial action that they
22 took with the NAACP, we unequivocally support this
23 operation without any reservations at all.

24 The plant itself is a facility that will use
25 the latest technology. Now, I know this because I had

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1 a chance to go to Almelo, the plant in the
2 Netherlands.

3 And, when we were there, they told us they
4 were going to replicate that same plant five miles
5 down the road. So, I know about it because I had a
6 chance to walk through it.

7 And I had a chance to feel the stainless
8 steel valves that control the water. And, of course,
9 I didn't see any leakage or anything from water from
10 these valves.

11 It was very clean. And, from observation,
12 it seemed to operate very efficient and had very happy
13 employees. So, I have no doubt that this same thing
14 will happen with the plant here.

15 And I also had a chance to compare an older
16 plant with the spanking new one which, again, that
17 they plan to replicate here. We also visited with the
18 citizens around the plant and had a chance to talk
19 with them.

20 They're all happy. I didn't hear any
21 negative remarks about it. And we believe also that
22 the plant will be environmentally friendly, as
23 supported by the Environmental Impact Statement Draft
24 Report.

25 It's about this thick. And I had a chance

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1 to read it. So, it's very interesting that if they
2 can operate a very sophisticated in Almelo, they sure
3 can operate one here in Lea County.

4 My next point of argument is that the
5 National Enrichment Facility will bring to this area
6 much needed jobs for our people, revenue, and also
7 National recognition which will, of course, enhance
8 the lives of many of our citizens here in Lea county.

9 So we definitely need the caliber of jobs in
10 our area which will help to stop the brain drain of
11 New Mexico. Now, I know this because I am associated
12 with the educational facility and the New Mexico
13 Junior College.

14 The caliber jobs that some of our students
15 want to enter, they're just not here. The high tech
16 jobs are not here. We believe this plant will provide
17 some of that.

18 And then some of the brain drain -- in other
19 words, our young people, which we need to carry on
20 this society, will not have to move to Dallas and Fort
21 Worth to find those caliber jobs.

22 Many of our larger companies are downsizing,
23 right sizing, relocating, bankrupting, and shutting
24 down. For a change we have a company wanting to bring
25 jobs to America and Lea County.

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1 For me this is a really welcomed change, to
2 see somebody, instead of taking jobs out, bring jobs
3 here. The NEF impact on groundwater would be
4 negligible, according to the Conclusion of the cities
5 of Hobbs and Eunice and the Lea County Water Users
6 Association.

7 The newest technology in the plant will
8 certainly not use as much water as an older version.
9 As a matter of fact, I didn't notice, as I said
10 before, any water spillage in the new plant in Almelo.

11 We as an association are also confident that
12 NEF's commitment thus far has been very responsible,
13 again, and will continue. Therefore, they will
14 operate the facility in a responsible manner
15 considering safety, contamination of groundwater, and
16 air quality.

17 I think I need to say that we are definitely
18 supporting of NEF in their effort to build the uranium
19 enrichment plant here in Lea County. Thank you
20 gentlemen.

21 CHAIR BOLLWERK: Thank you, sir, for taking
22 the time to come speak with us this afternoon.

23 MS. FULLER: Thank you all for coming. We
24 appreciate it. My name is Mary Fuller.

25 CHAIR BOLLWERK: Use the mic so they can

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1 hear you in the back.

2 MS. FULLER: My name is Mary Fuller. I live
3 in the City of Eunice. I've lived here for about 15
4 years and raised my family here. I'd just like to say
5 that you all realize that a vast majority of the
6 citizens of Lea County are in favor of this uranium
7 plant.

8 And we want it, and we've done our homework.
9 And we'd like you all to get her done. Thank you.

10 CHAIR BOLLWERK: Thank you, ma'am, for
11 coming to talk with us. James Brown, then Natalie
12 Myers, then Ron Abousleman. I'm probably mis-
13 pronouncing that, or Abousleman.

14 MR. BROWN: Good afternoon. My name is
15 James Brown. I have the privilege of being here in
16 the City of Eunice. I would like to extend a warm
17 cordial invitation for you all to return the next time
18 you are in Eunice or have a meeting in this area.

19 We know where we want to go with our
20 economy. But we don't have the technology to know
21 that the design and the operation of the plant is
22 safe.

23 We want to leave that in your hands. And we
24 have a great deal of confidence that the NRC Staff
25 will be able to handle that problem for us. I'd like

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1 to give you a little bit of an overview.

2 Oil was discovered in this area in the early
3 1930's. But, there was not much in the way of
4 development until after the depression ended. But,
5 for the last 60 or 65 years, the oil industry has been
6 responsible for the development of the communities
7 throughout the entire Permian Basin.

8 And also, it has been responsible for
9 supporting the economy of those communities. Recent
10 studies have indicated that within the next 20 or 30
11 years the oil industry by itself will not be able to
12 sustain the economies of our communities, which means
13 that, unless we have economic diversification from
14 companies like LES, small communities in our area will
15 have a difficult time surviving.

16 Now, if you grant the application to LES,
17 immediately after their license is issued, LES is
18 going to be starting construction -- or within a few
19 months of that point.

20 So, for about seven and a half years they
21 will have approximately 400 people working at the site
22 at any one given time, for a total payroll during that
23 seven and a half years of about 170 million dollars.

24 It's quite an influx to our economy. Once
25 the plant is operational, you'll have 210 employees of

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1 an annual payroll of about 10 million dollars. So,
2 you can see where we are coming from as far as the
3 economy goes.

4 Now, LES cannot support our economy by
5 itself. Nobody has that misconception. We currently
6 have the Waste Control Specialist. We have the WIPP
7 site between here and Carlsbad.

8 With the addition of LES and the addition of
9 100 million dollar deconversion plant that Areva will
10 be putting in, we will have taken the first major step
11 toward economic diversification.

12 Our future looks good. And I really think
13 that things will work out beautifully for us over the
14 long run. I tend to agree with the statement that was
15 made by an NRC Staff member in the Draft Environmental
16 Impact Statement.

17 Unless safety issues mandate otherwise, the
18 proposed license should be issued to LES. Thank you
19 gentlemen.

20 CHAIR BOLLWERK: Thank you, sir. The next
21 speaker would be Natalie Meyers, then Ron Abousleman.
22 I'm mis-pronouncing it, I'm sure, and Hector Ramirez,
23 Junior.

24 MR. ABOUSLEMAN: I'm Ron Abousleman.

25 CHAIR BOLLWERK: That wasn't even close. I

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1 apologize, sir.

2 MR. ABOUSLEMAN: And I'm City Manager for
3 the City of Eunice. And I'd like to thank you for
4 coming out here and holding these proceedings here, at
5 the most local community where the effects will be of
6 this plant.

7 With your oversight, we are very confident
8 that the process that NEF will be bringing to our area
9 will be more than safe. We know how important this is
10 to the local community, but not only the local
11 community, but the Nation, in bringing a fuel source
12 that appears to be, what we hear, the fuel of the
13 future.

14 We are also involved with the oil here. But
15 we see what's happening to oil and some day will be
16 depleted. So we are very anxious to have this source
17 of fuel available to us for the future to come.

18 I believe that if Lea County and the
19 residents of Lea County were allowed to make the
20 decision on whether LES would locate here and not have
21 to go through the process that we're going through, it
22 would have been an overwhelming vote in favor of them
23 locating, and would have started construction maybe a
24 year ago.

25 We see people from all over the Country

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1 trying to decide what happens to Lea County. But, in
2 reality, they see one end of it only, one side, as has
3 been mentioned earlier.

4 The economic boost that will happen here in
5 this area will be fantastic. I'm not even sure that
6 we can even begin to pretend that we know what can
7 happen here.

8 But we're very happy that we've been chosen
9 as the site. We think that the process will work
10 through and that we will have the plant starting soon.
11 One of the concerns has been water, how much water
12 they will use.

13 We've looked at the numbers; we've given it
14 to engineers. Some of us may not be intelligent
15 enough to determine these things. But we've given it
16 to engineers.

17 And they feel the amount of water that will
18 be used by this facility is a drop in the bucket, if
19 not for a better way to say that.

20 It's not going to affect us in any way. And
21 we feel that it will be great. We've heard that the
22 amount of water that will be used a year is less than
23 what even our nine hole golf course uses in one year.

24 So, we're very pleased and anxious for this
25 to happen. We hope that the process will come soon,

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1 it will go through, and a favorable decision will be
2 given to LES.

3 And we've very sure of that. And thank you
4 for coming out again.

5 CHAIR BOLLWERK: Thank you, Mr. Abousleman.
6 We appreciate it. The next speaker would be Hector
7 Ramirez, and then Mike Bundick. I believe Tony
8 Trujillo we heard from.

9 We had a statement read that he had put into
10 the record. It was read this morning by someone else.
11 All right. How about DeeDee Wallace? Did I skip
12 someone?

13 (No verbal response.)

14 CHAIR BOLLWERK: All right, thank you.

15 MS. WALLACE: Hello, my name is DeeDee
16 Wallace. And I'm from Andrews Texas. I can't come
17 here and speak to you today as an authority on the
18 scientific data.

19 But I can tell you that, from my limited
20 understanding of this project, it is truly substantial
21 and it is vital to this region. What I do know about,
22 and what I believe that it's important for me to
23 impart to you today is perhaps an understanding of the
24 people of this area and the truly significant
25 aspiration I believe the National Enrichment Facility

1 to be.

2 First and foremost, I am a mother of three
3 children. And that's a big part of why I'm back in
4 West Texas. I lived for over 20 years in Austin,
5 Texas.

6 And, while that's certainly a beautiful and
7 thriving part of the Country, for me there was always
8 something missing. Having grown up in Andrews, which
9 is a close mirror image of Lea County, I believe there
10 exists a trusting openness and accord among the people
11 that I've connected -- that I have not encountered
12 elsewhere in my life experiences.

13 And I wanted my children to experience life
14 from this perspective. It's a feeling of kinship
15 which is unspoken and intangible. And yet, when you
16 try to live without it, it leaves a void.

17 I've known people from here who have spent
18 years trying to recreate it. And it is innately
19 cultural and cannot be recreated like it is here. For
20 me, when I came back to visit, I began to realize that
21 that void was filled.

22 And, ultimately, after 20 years, I came back
23 and am pacified. This is an oil and gas region where
24 people have continually come and gone. And so,
25 there's a quick acceptance and a readiness for

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1 friendship.

2 When people not from here visit and look
3 around, it's difficult for them to comprehend our love
4 and our passion for this area because, trust me, it is
5 certainly more than skin or surface deep.

6 And it is about relationships and family and
7 friends. And I hope that you sincerely take from
8 here, if not this, more than anything, that we would
9 never sacrifice the safety of what is most important
10 to us for economic gain.

11 While we are no doubt a rural bunch, we are
12 not without faculty. And please do not confuse our
13 friendliness for foolhardiness. I say this to express
14 that we understand our identity and who we are and who
15 we are not.

16 We are not on the list of consideration for
17 the likes of IBM and 3M. We are realists. And we
18 have lived here for a long time with industries that
19 pose risks.

20 So we assess and we examine. And we conduct
21 our diligence to understand the true and the
22 substantial concerns. While it truly is your
23 responsibility to completely and thoroughly understand
24 the scope of this project and make your decisions
25 according to the data that's presented to you, and

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1 while I'm cognizant of the fact that you are probably
2 aware of most of these facts and figure, and I'm
3 perhaps traveling on ground that you've traveled quite
4 a bit this week.

5 As a layman, I feel too that it's my
6 responsibility to sift through and validate the true
7 facts and offer you my perspective. I believe that it
8 is my responsibility to understand that only 15
9 percent of the required enriched uranium necessary for
10 this Country's nuclear power plants is produced
11 domestically and from dated gaseous diffusion process,
12 and is not nearly as efficient as a centrifuge
13 technology.

14 The implications of that alone are enormous,
15 especially with outcry regarding outsourcing. And if,
16 indeed, it is an over-capacity industry and there does
17 exist sufficient reasonably priced products, then why
18 is the domestic generator so eager to do business with
19 LES, basic concept supply and demand.

20 If there was no demand, we would not be here
21 today. The sheer number of contracts that are already
22 solidified with these domestic generators completely
23 validates that point.

24 And, for 85 percent to be imported is
25 ludicrous, especially when the leader in the world's

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1 most efficient technology is positioned and willing to
2 be right here.

3 I believe it's also my responsibility to
4 understand that the parent company of LES has
5 successfully operated for three decades with no major
6 contamination incidents.

7 And the only minor incidents that are cited
8 by opposition offer no insight or validation to
9 substantiate that such incidents were with effect. I
10 apologize.

11 CHAIR BOLLWERK: You're all right.

12 MS. WALLACE: Sorry.

13 CHAIR BOLLWERK: No problem.

14 MS. WALLACE: Who knew I got service in
15 Eunice. We have the benefit of their experience, and
16 we have a track record to scrutinize. This is not new
17 to them.

18 They know the technology. They know how to
19 use it very well. And they know how to protect it.
20 The efficiency of the SP5 results from multiple
21 generations of perfecting.

22 And now we are the benefactors of that. I
23 believe that it's my responsibility to comprehend the
24 uranium enrichment process and the level sufficient
25 for nuclear power generation, which is no where near

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1 what's required for weapons grade.

2 And that level is not possible at this
3 facility, therefore negating the concerns for major
4 National security issues. I believe it's my
5 responsibility to understand that at full production
6 this site will generate 7,800 metric tons per year of
7 DUF6.

8 Initially these would be stored in
9 approximately 627 cylinders. And the high degree of
10 maintenance these cylinders would receive before
11 conversion to U308 and hydrofluoric acid is immense.

12 I understand the degree of commitment that
13 LES has proven to this concern, especially with the
14 recent Memorandum of Understanding with Areva, Inc., a
15 private deconversion facility.

16 I believe it's my responsibility to know
17 that once the deconversion process takes place, the
18 U308 is a class A low level radioactive waste. And
19 the options for disposal, first of all, would not be
20 necessary for many years.

21 And, by the time the waste stream is
22 generated, first of all, waste control specialists
23 will know by that time if their Class A permit has
24 been accepted and, of course, would certainly be the
25 most advantageous choice.

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1 However, if that does not happen there's
2 Hanover, Washington, which does accept Rocky Mountain
3 compact. Envirocare is available as Class A. And my
4 understanding is it will remain solely Class A, as
5 apparently now they're choosing not to seek B&C.

6 DOE is now a consideration. And, as reliant
7 as South Carolina seems to be on Barnwell for funding,
8 the possibility of Atlanta Compact considering past
9 '08, who knows?

10 Additionally, the amount of time until
11 actual disposal is scheduled to take place with RND
12 technologies pertaining to DUF6 could be developed for
13 recycling or other possibilities.

14 So, there do appear to be multiple options
15 with regard to that. I believe that it's my
16 responsibility to understand that, while watch groups
17 are truly significant and very important and necessary
18 to this process what is relative in Washington, D.C.
19 and even in other parts of this state, are not
20 necessarily applicable here.

21 Our tolerances are different and relative to
22 our environment. We have no special interest groups
23 here that are being discriminated against. And so, we
24 ask that you only consider factors that are specific
25 to our region for your consideration.

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1 Water contamination plausibility, well, I
2 guess, look around. And please visit the
3 contamination while you're here of an oil field site.
4 And while you're there, go ahead and take a norm
5 reading.

6 Oil companies have been ravishing this land
7 for years with no outcry from the environmentalists.
8 While I do not deny their sincerity, perhaps their
9 efforts in some cases are displaced and could be more
10 well spent on oil field spill clean up and the impact
11 that plausibility has on water contamination.

12 I'm not trying to shift the focus here. I'm
13 trying to simply offer perspective for the relativity
14 that I invite you to consider. And, while I suspect
15 you've heard this before, yes job creation and re-
16 vitalization, and uplifting for the future of this
17 region is a paramount consideration, and, once the
18 essential safety points are considered and satisfied.

19 I hope that you've captured here in your
20 visit the level of passion we feel for our region.
21 Perhaps it is one of those things you have to be
22 there.

23 Well, we are here. And we want to stay
24 here. And we want our families to stay here. And we
25 want this region to flourish and thrive again. A

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1 predominant industry of oil and gas will never
2 increase, but only diminish with time.

3 It is an undeniable fact, and we must
4 diversify any offers as a hopeful future. I care
5 about these people who are more than friends and yet
6 not quite family.

7 And I want to maintain the culture so that
8 when our children go away and they feel the void, they
9 have something to come back to. Profoundly, LES is
10 working with local colleges and schools to produce
11 curriculum, allowing our own to gain the training and
12 education necessary for consideration at LES.

13 In fact, exciting collaborations have been
14 formed as a result. In Andrews we are now building
15 for the very first time a business and technology
16 school -- center, which will offer lower and upper
17 division classes and vocational training.

18 An almost million dollar grant was awarded
19 us as a collaborative grant for a state-of-the-art
20 distance learning center in collaboration with College
21 of the Southwest in Hobbs.

22 That kind of crossing the borders is very
23 rare in the south, and validates another exciting
24 perspective that LES has brought to this region. In
25 Texas, and I would encourage you to seek the same

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1 information for New Mexico, our public school system
2 is funded whereby school districts with larger tax
3 basis send funds to Austin and it is distributed to
4 poorer school districts.

5 We call it Robin Hood. While in the past
6 our terrain may not have been much to look at out
7 here, our schools certainly were. This year alone
8 Andrews County will send more than 10 million dollars
9 to Austin.

10 And, in the past ten years, we have sent
11 almost 90 million dollars to Austin. In Andrews
12 County 189,000 acres are owned by the permanent
13 university fund, which funds the universities in the
14 State of Texas.

15 Thirty percent of the land in our county is
16 not taxed. We're the third largest in that category
17 of the permanent university funds in the category of
18 land mass.

19 However, in the category of the amount of
20 royalties collected on that land annually from this
21 land, there's a county that in third place sends 11
22 million dollars.

23 The county in second place sends 42 million
24 dollars. And, in Andrews County, in 2002, we sent 75
25 million dollars from royalties from the public utility

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1 funds.

2 And, again, that amount will increase in
3 '04, I'm sure. I would be willing to be that Lea
4 County also supports New Mexico in much the same
5 capacity.

6 You see, our region asks for very little in
7 the way of support or assistance. We do our part and
8 more. We are a hard working people with a strong work
9 ethic.

10 And we're not here asking for a handout. We
11 just want the chance to make our own way with
12 businesses that we believe compatible with our way of
13 life.

14 And LES offers just that. In closing, I
15 will say that I too have been to the Almelo facility.
16 And I have spoken to countless workers who have been
17 there 20, 25, and over years.

18 I only met one person who had worked there
19 less than 15 years. And I will tell you that my
20 curiosity was completely satisfied, and any skepticism
21 was completely diminished.

22 The care and the compassion of those who
23 worked there and the pride in their job and in their
24 facility would be well matched opportunity for us.
25 Their transparency in allowing interaction with

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1 employees, community folks, and viewing and
2 explanation of technology proved to me their pure
3 intent.

4 Their overwhelming willingness to work with
5 local entities and help position themselves for
6 consideration for contracts and employment, in my
7 opinion, could not be more generous.

8 I will simply add that I would consider it a
9 privilege and quite gratifying if any one of my three
10 children were to choose to work for Louisiana Energy
11 Services at the National Enrichment Facility. Thank
12 you.

13 CHAIR BOLLWERK: Thank you very much for
14 coming to speak with us this afternoon. All right,
15 sir.

16 MR. BUNDICK: I work for Low Supermarket
17 here. I have lived in Eunice for 25 years. I am also
18 a member of the Chamber of Commerce, the Rotary Club,
19 Lions Club.

20 And, as far as the Chamber of Commerce, we
21 welcome to be a partner with LES and will try and help
22 them in any way we can. And we welcome the chance to
23 support them.

24 We want LES to come. And we support them
25 100 percent. Thank you.

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1 CHAIR BOLLWERK: Thank you for coming to
2 talk with us today. The next three speakers would be
3 Paul Starr, Hermilo Ojeda, and Harry Teague.

4 MR. STARR: Good afternoon gentlemen. First
5 of all let me thank you for the opportunity to talk to
6 you for a few minutes. In my business I'm a radio
7 broadcaster.

8 I sell a lot of advertising time. I listen
9 to a lot of people for long periods of time and I
10 appreciate what you're doing this week. I know it's
11 not easy.

12 I have been out here in Lea County, Lea
13 County and Gaines County, Texas for 25 out of the last
14 28 years, the last 19 of those as the Vice President and
15 General Manager of a cluster of radio stations up in
16 Hobbs.

17 I met my wife out here. We had both of our
18 kids here. They were both born in Hobbs, raised in
19 Hobbs, went to schools there. And we have been here
20 for all these years and will be here for a great many
21 more years.

22 So our concern about the viability and the
23 safety of this facility is real. We're not coming in
24 for a quick appearance and going away. We're going to
25 live here with this thing.

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1 And we have been here in all these years
2 through the best and through the worst of what's going
3 on economically in our oil field. It's been the
4 primary source of our economy.

5 But as anybody knows, anybody, whether you
6 live in an oil producing state or you don't, you know
7 that we through many booms and through many busts. And
8 we have.

9 We have seen the best of times through great
10 booms in 1982, and a pretty good one that's going on
11 right now. We have also been terrible busts.

12 We went through a time in 1986 when this
13 community was devastated. Our main bank failed. When
14 it did it took with it a whole slew of businesses
15 throughout Hobbs and throughout Lea County.

16 When that happened many good people lost
17 their jobs, lost their businesses, and lost a reason to
18 be here in Lea County. Diana and I have raised our
19 kids here.

20 We'd love to see our kids stay here. We'd
21 love to see them have opportunities in Lea County. And
22 what this county needs in stability. The oil fields
23 will always be a primary source of our economy and a
24 primary source of our jobs.

25 But it will also always be up and down. We'd

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1 prefer not to see in the future the same activity where
2 things come and go, where people's opportunities come
3 and go, and where people are here for awhile and when
4 they leave, they leave discouraged and never come back.

5 We have worked very hard in Lea County to
6 develop non-oil related opportunities, jobs for people
7 to stabilize this economy. In the early 1990s we not
8 only accepted the idea, we embraced and we recruited a
9 state prison for Lea County because we knew that would
10 bring stability to our economy.

11 And we got that facility. We worked hard to
12 get it. In the late 90s, we worked hard to convince
13 not one, but two New Mexico Governors to allow us to be
14 the community to bring in the race track casino.

15 It was obvious it was going to happen
16 somewhere in eastern New Mexico. We tried to get it
17 here and we successfully got it here. Again, we did
18 that for the purpose for having stability in the
19 economy and opportunity in the future so that these
20 wonderful kids that we raise here might want to stay
21 here, and so that this community could survive and
22 could flourish.

23 You guys have been having meetings all week
24 in the Lea County Event Center. You weren't here for
25 this but that event center didn't just happen. It

1 happened of the protest of many people.

2 Many people said we were nuts to do that,
3 crazy. We built that thing. The people that believed
4 in it got it done, and it's been a boon to this
5 community.

6 Now we're offered the opportunity of
7 embracing and bringing, hopefully to this county, the
8 National Enrichment Facility. One thing you ought to
9 remember is we're energy producing people.

10 I'm in radio broadcasting, but I'm in the
11 energy business too. Why? Because we depend so much
12 on it. But not just that, my friends, my neighbors
13 work in that industry.

14 The people I do business with work in that
15 industry. When they suffer, we suffer along with them.

16 We understand energy, we believe in energy, and we
17 understand the risk involved in the energy business.

18 We've lived with it all our lives. You guys
19 have driven around Lea County this week, no doubt. You
20 don't just see drilling rigs out in the country side.

21 You see them right smack in the middle of
22 town. And these folks, who have lived out in Lea
23 County for all their lives have lived with that, have
24 understood the risk, and they know the risk and they
25 accept it.

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1 That's why they're here. So when you talk
2 about a uranium enrichment plant, and I think that LES
3 has done a wonderful job of educating this community as
4 to what the realities of that facility are, these
5 people know what they're faced with and they know what
6 they want.

7 And I think this community overwhelmingly
8 endorses this facility. I don't think, if a facility
9 like this going to be licensed anywhere in America, you
10 could find a better place.

11 This would be a -- so I support it. I think
12 you can imagine working in the broadcast business. I
13 encounter a great many people week in and week out.

14 The vast, vast majority of people that I run
15 into support this facility. And as I said, I plan to
16 be here a long time. I'm willing to accept what comes
17 with it.

18 And I think the people here in Lea County
19 are. Thank you for your time.

20 CHAIR BOLLWERK: Thank you, sir, for coming
21 to speak with us this afternoon.

22 MR. OJEDA: Buenas tardes. Mi nombre es
23 Hermilo Ojeda. Les doy la bienvenida a todos ustedes
24 por estar aquí presentes para esta junta. Antes que
25 nada quiero decirles que yo soy uno de los que tuvo la

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1 oportunidad de visitar la planta que esta ubicada en
2 Almelo, en las Netherlands.

3 La sorpresa mas grande que lleve es que era
4 limpia. Es una planta de las que visitamos en esta
5 area. Pregunté a los trabajadores cuanto tiempo
6 estaban trabajando ahí, sorprendido de que algunos
7 tenían 23, 24 años, y era una lealtad tremenda con esta
8 planta en Almelo.

9 Les doy las gracias por preocuparse por
10 nuestra comunidad, por eso es que se encuentran aquí.
11 Apoyamos este proyecto que se está llevando a cabo. Le
12 pregunte una vez al Sr. Marshall Cohen, que si iba a
13 vivir aquí, aquí o en Hobbs. Me dijo que sí.

14 Esa fué la respuesta que quería oír, porque
15 sé de que está seguro si el quería vivir aquí en esta
16 parte. Estoy contento porque voy a ser un abuelo.
17 Ahorita les traduzco. Pero mi nieto va a vivir en un
18 lugar seguro.

19 Yo les pido a ustedes que por favor apoyen
20 esta licencia para LES lo más pronto posible.

21 Good afternoon. My name is Hermilo Ojeda. I
22 want to translate that real quick. First of all I want
23 to thank you for coming over to these hearings. Of
24 course, I am confident that you will make the right
25 decision, and a safe decision for this project. I was

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1 one of the ones that had the opportunity to visit the
2 plant in Almelo in the Netherlands.

3 Two things that surprise me. The cleanness
4 of the plant. This plant was also safe. Another thing
5 that surprised me was the loyalty of the workers.

6 I asked around. Some of the workers were
7 there for 22, 23 years. Now you don't see this around
8 this area too often. So that told me that this plant
9 has something for the employees.

10 I want to take the opportunity to thank you
11 for making this community safe by having these
12 hearings. LES has been honest and open about
13 everything they're doing, even to the Hispanic
14 community.

15 They visit a radio show often and inform the
16 Hispanic community what they're doing. I asked Marshal
17 Cohen one time, Marshall, are you going to have a house
18 in Hobbs or Eunice?

19 He goes yes, and most of the workers will.
20 You know, that was a big relief because if he would
21 have said oh, no, that would have meant that he don't
22 want to do with it, something's wrong.

23 But by him saying that, you know, most of the
24 workers will be in Eunice or Hobbs, that gave me a lot
25 of confidence. Monday I found out that I'm going to be

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1 a grandfather for the first time.

2 Thank you. And now more than ever I want my
3 grandchild, which is not even born yet, to be safe.
4 And I have the confidence that this plant will be safe.

5 I've been living in Hobbs for over 30 years,
6 and I plan to stay here to see my grandchild grow here.

7 In conclusion, I ask you to approve the license for
8 LES as soon as possible. Thank you for your
9 consideration. Gracias.

10 CHAIR BOLLWERK: Gracias, Señor. Thank you
11 very much for coming today. Harry Teague, then Susan
12 Chavez, then Peter Neils I believe it is.

13 MR. TEAGUE: Buenas tardes señores, señoras.

14 You all thought we were going to have another one of
15 those, didn't you?

16 JUDGE ABRAMSON: Good job Harry.

17 MR. TEAGUE: My name is Harry Teague, and I'm
18 a Chairman of the Lea County Commission. I've been
19 asked to read a letter from our Senators and
20 Representatives.

21 When I get through this my friends are going
22 to have to admit that either I know how to read or I
23 have a very good memory to recite this from being told.

24

25

To the Nuclear Regulatory Commission Atomic

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1 Safety and Licensing Board regarding Louisiana Energy
2 Services National Enrichment Facilities. Dear members
3 of the Board, we're writing to you today to express our
4 support for the planned National Enrichment Facility
5 outside of Eunice, New Mexico.

6 As elected officials from the New Mexico and
7 Lea County, we have an obligation to our constituents
8 and our state as a whole to do what we feel is best for
9 New Mexico.

10 Our support for the construction and
11 operation of the NEF is in line with that obligation.
12 In the last year and a half we have gotten to know the
13 Louisiana Energy Services, LES team, and they have been
14 open and honest with the community and with us.

15 We are confident that the NEF will operate
16 safely and without harm to the environment. We are
17 also confident in the Nuclear Regulatory Commission
18 process in assuring the NEF will be safe.

19 Many of us have been fortunate enough to be
20 able to visit the model facilities in the Netherlands,
21 and have been impressed by the sophistication and
22 safety of those operations.

23 That is why we support this project. The NEF
24 will use the proven technology that has been used in
25 Europe for over 30 years, and has not had any adverse

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1 effects on the environment or the people who live
2 around the facilities.

3 We feel confident that the NEF can bring
4 benefits to New Mexico and our nation while
5 safeguarding our friends, family, and our environment.

6 Based on our encounters with the LES team, we
7 are sure your careful consideration of the application
8 will lead you to the same conclusion. This is a good
9 plan and LES will be good for our country.

10 And it is signed by Senator Carroll H.
11 Leavell, Senator Gay G. Kernan. It is signed by
12 Senator Ben D. Altamirano who is the President
13 Provision Tem of New Mexico State Senate.

14 It's also signed by Representative Donald L.
15 Whitaker from Eunice, New Mexico, who is also Chairman
16 of the House Taxation and Revenue Committee, and is
17 signed by Representative Donald E. Bratton from Hobbs.

18 I'm really blessed in that I got to read
19 that, and then I get to go after them. And they've
20 already said everything that could be said about this.

21 But I'm not leaving. I'm going to speak
22 anyhow. I wish I had known earlier that I had someone
23 by the same name, Harry Teague, from England, who was
24 such an important member of the nuclear industry
25 worldwide.

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1 Had I done my homework and known that that
2 was the case, I would have fabricated a story that
3 would have withstood the scrutiny for four of five
4 minutes of him being my uncle or father or something,
5 but I didn't know until a few minutes ago when Dr. Paul
6 Abramson told me about him.

7 But in my real life I'm an oil and gas well
8 servicing contractor, you know. And everything that I
9 have and everything that my family has is derived from
10 oil and gas.

11 These clothes I have on, they came from the
12 wages that I made there. And people ask me, well how
13 can you support LES when they're going to be in
14 competition with your livelihood.

15 I don't see that they're providing a
16 competition. I think that LES and the Nuclear
17 Enrichment Facility is filling a critical need for my
18 country and my world.

19 I'd like to thank everyone on the Panel for
20 coming. I mean I know some of you came a long way from
21 Washington, New York, wherever you came from. It's a
22 long ways to come out here.

23 But also, I guess that's probably your job.
24 I'd like to thank all these people out here. It's not
25 their job. And all the people that spoke this morning,

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1 you know, they did it for their love of their community
2 and their desire to help this project.

3 I want to thank those that spoke earlier,
4 even those that spoke against the project. You know,
5 that's one of the great things about the United States,
6 and that's what makes it the best country in the world,
7 is everyone gets to speak.

8 And when you get to stand up here and speak
9 it doesn't have to be the truth. I can be a half
10 truth. It can be a scare story. Don't have to have
11 any proof up here to prove the points that are being
12 made in the stories.

13 We can talk about things that are floating
14 around in there that everybody knows they're not there.

15 But then we have the NRC Committee, the people like
16 you and Tim and other people who have been here these
17 three or four times.

18 And you people will ferret out the truth. And
19 you will give us your report. You will give the powers
20 that be in Washington a report. And our Governor in
21 Santa Fe, Governor Richardson, give him a report that
22 we can all live with, that we know will work.

23 The people that don't want to take the time
24 to read the report that you put out, they can buy last
25 weeks time magazine. It has a little short condensed

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1 version, however that works.

2 But, you know, for the people that are
3 opposed to it from a safety standpoint, you know, one
4 of the things that I hear is about the transportation
5 of the product in and out.

6 At this time there's already a few electrical
7 generating, nuclear electrical generating plants in the
8 United States. I'm not sure how many but I think maybe
9 103.

10 And the tooth fairy doesn't deliver the fuel
11 to those plants. It gets there going down our
12 highways. There are I don't know how many U.S. Naval
13 submarines and ships that are operating on nuclear
14 power, but maybe the number's 82 or something like
15 that.

16 They're in ports all around the world.
17 Probably there's one in Houston, Los Angeles, New York
18 City as we're speaking right now. And the reason that
19 they have nuclear fuel on there is because it's the
20 most efficient fuel that we can have on there.

21 It's going to be a good ways from the fuel
22 pump. All of these things are important to all
23 America, not just to Lea County. Nuclear, I believe,
24 is the future energy of the world.

25 And I think that the United States needs to

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1 be at the forefront and needs to be leading in that
2 industry. The state of New Mexico needs to be at the
3 forefront with the United States.

4 Lea County will be their focal point for
5 that. I want to say once again that I have all the
6 confidence in the world, in this committee and the
7 other committees to strain to make sure that this
8 facility is built safely for both the people and the
9 environment.

10 I -- to reiterate what Hermilo said, he and I
11 went together on a trip to Almelo. And there had been
12 three trips. And I'm sure you all have heard that one
13 group was quite a bit better than the other groups.

14 And we were in that group. How many letters
15 -- but anyhow, we were in the good group. We did see
16 first hand that there's no danger to the environment.

17 I have two lovely children. And the five
18 most beautiful kids in the world are my five grandkids.

19 They all live in Hobbs, New Mexico. I wouldn't want
20 this plant here if I thought that it was in any way
21 going to endanger those kids.

22 I, once again, I just want to thank the Panel
23 for being here. Thank you for taking your time to come
24 here, have little tie to look around, and meet a few
25 people from Lea County and Eunice and see what we're

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1 all about.

2 And we're ready to trust in your decision for
3 the plant here. Thank you.

4 CHAIR BOLLWERK: Thank you, sir, for coming
5 here this afternoon.

6 JUDGE ABRAMSON: We'll say hello to your
7 uncle.

8 MR. TEAGUE: Yes, sir.

9 CHAIR BOLLWERK: I think next is Sue Chavez,
10 and then Peter Neils, and then Rose Gardner. Just --
11 there you are.

12 MS. CHAVEZ: Buenas tardes. Me llamo Susan
13 Chavez. Trabajo en las escuelas pulicas como tarateuta
14 del idioma. Thank you for this opportunity to address
15 the Atomic Safety License Board.

16 I'm in my mid fifties, and have been a
17 student of history for most of my life. I grew up in a
18 small town in Texas. I lost my accent because my
19 family was an army family and we moved to -- we moved
20 overseas.

21 I've loved in this area for more than half of
22 my life, which is a lot to say for an Army brat. My
23 father worked as a nuclear physicist in the 50s. I
24 believe that my father's line of work was a
25 contributing factor in the untimely deaths of both of

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1 my parents.

2 Neither parent got involved in high risk
3 behaviors like smoking. When someone dies there is not
4 always a cause and effect relationship evident. My
5 mother died of pulmonary fibrosis which also has killed
6 uranium miner's wives who washed their husband's
7 cloths.

8 A little speck of uranium gets into the lung
9 and lies dormant for 20 years, and then starts to cause
10 problems. When my father died of cancer the doctor
11 said there was no relationship between the cause of his
12 death and his handling of radioactive materials.

13 My father, on the other hand, told me he
14 would have taken more precautions like just changing
15 his clothes, wearing gloves, an apron, if he had had a
16 better understanding of the risks.

17 We didn't know then what we know now. But
18 even back then the nuclear industry, with the help of
19 the Atomic Energy Commission, the predecessor to the
20 DOE, lied to, for example, sheep herders in Utah.

21 The sheep herders found more and more lambs
22 with serious deformities like they had never seen
23 before the nuclear testing in Nevada. Twenty years
24 alter they were able to prove their case, but by then
25 it was too late.

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1 One more mention of history. During the
2 nuclear testing, the AEC, the Atomic Energy Commission,
3 informed Kodak that they needed to protect their film,
4 while citizens were not counseled to take iodine or to
5 stop giving milk to their kids.

6 The health of the community in and around
7 Eunice is already at risk because of existing
8 contaminants in the environment. Your neighbor, Waste
9 Control Specialist, is working to broaden the range of
10 waste they can treat to include higher levels of
11 radioactive materials.

12 Keep in mind Waste Control Specialist is a
13 storage, not a disposal site. When the waste
14 eventually goes to deep geological facility local
15 communities will be in risk of contamination by waste
16 trucks driving through them.

17 You can ask that an alternate route be built.
18 But unless you are Santa Fe it's unlikely. DOE allows
19 shipments of radioactive waste to go through the city
20 of Albuquerque.

21 In Albuquerque there are a lot more people,
22 and a lot less money than Santa Fe, which brings me to
23 the environment justice issue. When considering
24 whether or not disproportionately high adverse impacts
25 would occur to minority and or low income populations,

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1 the populations around the proposed uranium enrichment
2 facility must be compared to national percentages.

3 Of course people want a livable wage. If
4 there were other ways to make a decent living I don't
5 think the community would embrace such a risky
6 operation.

7 Definitely an environment justice review is
8 warranted. A few words about the so-called depleted
9 uranium, which we know is very dangerous, depleted is a
10 euphemism, the main product of the proposed plant.

11 Thousands of veterans from the first Gulf War
12 are suffering from Gulf War syndrome, which many health
13 professionals believe was caused by so-called depleted
14 uranium.

15 Where will this DU go? There is a back log
16 of over 700,000 metric tons across the country without
17 a final resting place. DeeDee Wallace said that there
18 are multiple options for the waste.

19 None of the options are safe. There are safe
20 energy sources suited to this area, like solar and
21 wind, but the DOE spends millions on PR, public
22 relations, every year to convince the public that nukes
23 are good for us. They are not.

24 CHAIR BOLLWERK: Thank you very much for
25 coming and speaking with us this afternoon. Mr. Neils

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1 and then Ms. Gardner. That's all right, no problem.

2 MR. NEILS: Thank you. I agree with this
3 gentleman in the checkered shirt here, I think nuclear
4 energy is the future of the world too. I just think we
5 ought to leave it on the sun.

6 I deplore this process, not the people that
7 implement it, however. But it removes the context.
8 And when we look at these projects without looking at
9 them in the context in which they operate, it enables
10 us to avoid looking at the moral implications of it.

11 And, you know, there's this unholy alliance
12 between the nuclear power industry and the weapons
13 complex. And we shouldn't ignore that. We ignore it
14 at our own peril.

15 I saw Admiral Stansfield Turner speak last
16 fall, and he referred to this, as a whole, as the
17 nuclear mafia. And I would take that very seriously.

18 I heard people -- I'm really concerned about
19 this community in that I think, you know, the center,
20 you could have scrapped and hustled up some clean
21 industries.

22 But, you know, he probably -- I don't know
23 why, but he just is a big booster of the nuclear
24 industry, and you know, that's the way the guy is.
25 Trusting LES, I'm sure you know that they somehow

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1 conveyed the technology, their centrifuge technology to
2 Iraq for their nuclear program.

3 They allowed Pakistan, their technology went
4 to Pakistan and they developed a bomb. So, trusting
5 these guys, that's your decision. As far as
6 stewardship goes, you know, there's a million --
7 there's over a trillion cubic yards of radioactive
8 waste up at Los Alamos in unlined pits and trenches.

9 So if you think that's the kind of
10 stewardship that is representative of what you want for
11 your community, that is the standard that's acceptable
12 to this group of people.

13 The life cycle of this plant's 30 years. So
14 that's less than a working person's career. And the
15 half-life of the crap they're going to put out there is
16 25,000 years.

17 I don't understand that. I don't get the
18 attraction. The risks, I heard someone say they
19 understand the risks. I have known people that worked
20 at Rocky Flats.

21 And when they became ill with conditions that
22 their doctors could not diagnose, they said what did
23 you work with up there. I don't know, plutonium or
24 whatever.

25 They went to the AEC and then later of

1 course, the DOE, and said look I'm falling apart. You
2 know, nobody knows what's wrong with me. It certainly
3 is related to my work at Rocky Flats.

4 They said you prove that it's related. These
5 are people that are sick. They can't work. And they
6 say you prove that it's related to your employment and
7 we'll do something for you.

8 Well, you know, as a working stiff, what are
9 your chances of doing that? Not great. So I think
10 that you need to be really concerned that the promises
11 that you're hearing are carried out, and that, you
12 know, all of these safety measures are not only
13 implemented initially, but very, very scrupulously
14 overseen because this is where these small communities
15 -- and they're all over the nation. And these
16 small communities have cemeteries that are populated
17 with people that died long and painful, horrible deaths
18 from conditions they got in nuclear facilities. It's
19 not a joke. Thank you.

20 CHAIR BOLLWERK: Thank you, sir, for coming
21 to speak with us this afternoon. Ms. Gardner. I want
22 to say after Ms. Gardner I think we'll go back to the
23 list we had, Billy Hobbs, Delores Thompson, and Lee
24 White. Go ahead. Yes absolutely.

25 MS. GARDNER: Thanks for a second opportunity

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1 to make a statement. This is really addressed mostly
2 to the Lea County commission, and if you would just be
3 patient with me.

4 The Lea County commission should continue to
5 make efforts to bring in businesses to help make Lea
6 County less dependent on the oil industry. Keeping
7 that in mind, remember your decisions in these matters
8 will ultimately affect all of us in Lea County, so be
9 open minded to all information, but just LES generated
10 information.

11 Big money is obviously the motivation here.
12 Why not consider the huge impact that a wind energy
13 industry, including manufacturing, service, and repair
14 could bring this area.

15 Also the development of solar energy could
16 make our county and state a true leader in the
17 development of renewable and safe energy services.
18 That would truly be something to be proud of.

19 I disagree with the statements made by some
20 of these individuals that claim that the majority of
21 the people support this facility. We that speak may be
22 outnumbered, but we have our concerns and they are
23 pertinent here in Eunice and not just in Washington
24 D.C.

25 And unless I'm wrong, I believe LES has an

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1 office in the Washington D.C. area. Thank you.

2 CHAIR BOLLWERK: Thank you for coming in this
3 afternoon and speaking with us as well. The next
4 speaker would be Billy Hobbs.

5 MR. HOBBS: Hi. My name is Billy Hobbs. I'm
6 with the City of Eunice. And also like a bunch of
7 people, I went to Almelo to visit the facility and see
8 first hand how it was ran and the people that worked
9 there, visited with them.

10 And it was just some place that was
11 unbelievable. I mean the cleanness of it, the way the
12 people did their job and went about it and all that,
13 it's just a great place to visit, you know, and I
14 assume, to work there.

15 And also I've got four kids, got one
16 graduating this year. Don't know what he wants to do
17 yet, but you know, it'd be a good opportunity to go to
18 school, get a good paying job, get out of the oil
19 field.

20 I've been raised here for 44 years, and
21 almost in an oil field. It's all I've ever done since
22 I got out of school. And like I said, it's been ups
23 and downs, and all that in the oil field.

24 The business is something that will be here
25 for 30 years or so, longer. You don't want to have to

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1 worry about it going away or anything else. So I just
2 want to tell you that I'll support it.

3 I think it'd be great. This town is getting
4 ready to see some growth and houses being built, and
5 other things that come along with the chance of the
6 facility.

7 You know, excitement of a lot of different
8 things that happen is just great to see because, you
9 know, this place can use it. You know, it's been down
10 for a while, and it'd be great to get new businesses
11 and everything else for this community. Thank you.

12 CHAIR BOLLWERK: Thank you, sir, for coming
13 to speak with us this afternoon. Let me check a couple
14 other names here on our list that we went through
15 before. Delores Thompson, Lee White, Natalie Meyers,
16 Hector Ramirez Jr.

17 All right, at this point that is -- goes
18 through all the speakers that we have that have
19 indicated some interest. Why don't we go ahead? We'll
20 take about a ten minute break here and see if anyone
21 else at this point wants to address the Board.

22 We do have the sign up sheets over there if
23 you're interested. Also if you're here and you'd
24 simply like to leave us some written comments, you can
25 do that as well.

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1 There's a sheet over there. We'd appreciate
2 you taking the time to fill them out, and we'll look at
3 them and put them in the record of the proceeding.

4 So again, why don't we take about a ten
5 minute break and we'll come back then. Thank you.

6 (Whereupon, the above-entitled matter went
7 off the record at 3:12 p.m. and went back on
8 the record at 3:25 p.m.)

9 CHAIR BOLLWERK: All right, can we go back on
10 the record please? All right, it's about almost 3:30.

11 Let's just check one more time. We don't have any
12 additional sign ups.

13 If there's anyone that wishes to address the
14 Board now would be the time to do it, but I don't see
15 anybody hopping out of their chair, so I'm going to
16 assume that everyone that wishes to speak their piece
17 has done so.

18 Again, we appreciate everyone coming today,
19 both this morning and this afternoon, to address us.
20 This is an important part of the process. We try to
21 get some sense of what the local community feels about
22 the particular facility.

23 Both to the degree the folks are in favor of
24 it or against it, that's all part of the process. We
25 need to get that sense of what the people's concerns

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1 are.

2 And I think we've gotten a good sense of --
3 we've heard from a number of different people today to
4 get a sense of this community. Let me just thank a
5 couple of people, Mayor Brown and the City of Eunice
6 have been very good with us in terms of this particular
7 proceeding, helping us set it up.

8 We had interaction with them over the last
9 several months. They've always been very responsive.
10 Mr. Robinson, thank you for your help with the sound
11 system, which is important.

12 Without one we would not be able to carry
13 this off. We've had that problem in the past, and it's
14 an important part of what we do. So let me again thank
15 the City of Eunice and Mayor Brown and Mr. Robinson for
16 their assistance.

17 On behalf of the Board, also I'll thank the
18 parties for being here today. You're part of the
19 process as well. And we'd also like to thank a couple
20 more folks from our administrative staff, Karen Vollach
21 who's kind of kept us together this week kind of moving
22 forward.

23 She gets us from one place to another, always
24 on time. And Bethany Engle, our Law Clerk who's been
25 an important part of what we've done today, as well as

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1 this week.

2 She handled a lot of paperwork at the
3 hearing. It's not the most glamorous job in the world
4 but it's certainly kept things moving forward, and
5 allowed, I think, all of us to kind of concentrate on
6 the substance of it without having to worry about the
7 sort of administrative things that go on from time to
8 time.

9 SO we appreciate her efforts as well. Let me
10 turn to you, to the Board members. Anything further
11 you want to say today?

12 JUDGE KELBER: No.

13 CHAIR BOLLWERK: Thanks for our Court
14 Reporter as well who's been with us all week. We
15 appreciate it. At this point if there is nothing
16 further, we indicated in our notice that if we had
17 finished with everyone and there were no further
18 speakers that we might adjourn early.

19 It now being 3:30 we're going to do that.
20 Again, thank you to all of you. To those of you that
21 are traveling, have a safe journey wherever you're
22 going. And we stand adjourned. Thank you again.

23 (Whereupon, at 3:30 p.m. the above-entitled
24 matter was concluded.)

25

CERTIFICATE

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
Afternoon session

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.

Edward A. Johns

Edward A. Johns
Official Reporter
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February 11, 2005

Nuclear Regulatory Commission
Atomic Safety & Licensing Board

Re: Louisiana Energy Services/National Enrichment Facility

Dear Members of the Board:

We are writing to you today to express our support for the planned National Enrichment Facility (NEF) outside Eunice, New Mexico.

As elected officials from New Mexico and Lea County, we have an obligation to our constituents, and the state as a whole, to do what we feel is best for New Mexico. Our support for the construction and operation of the NEF is in line with that obligation.

In the last year and a half we have gotten to know the Louisiana Energy Services (LES) team and they have been open and honest with the community and with us.

We are confident that the NEF will operate safely and without harm to the environment. We are also confident in the Nuclear Regulatory Commission process in assuring the NEF will be safe. Many of us have been fortunate enough to be able to visit the model facility in the Netherlands and have been impressed by the sophistication and safety of those operations.

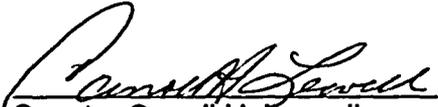
That is why we support this project.

The NEF will use a proven technology that has been used in Europe for over 30 years and has not had any adverse affect on the environment or the people who live around the facilities.

We feel confident that the NEF can bring benefits to New Mexico, and to our nation, while safeguarding our friends, family, and our environment.

Based on our encounters with the LES team, we are sure your careful consideration of the application will lead you to the same conclusion - this a good plan and LES will be good for our country.

Sincerely,


Senator Carroll H. Leavell
New Mexico State Senate


Senator Gay G. Kernan
New Mexico State Senate


Ben D. Altamirano, President Pro Tem
New Mexico State Senate



State of New Mexico
House of Representatives
Santa Fe

DONALD L. WHITAKER

D-Lea County
District 61

Box 556
Eunice, NM 88231

Business Phone: (505) 394-3155
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February 11, 2005

CHAIRMAN:
Taxation & Revenue

COMMITTEES:
Transportation

Nuclear Regulatory Commission
Atomic Safety & Licensing Board

Re: Louisiana Energy Services/National Enrichment Facility

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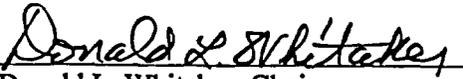
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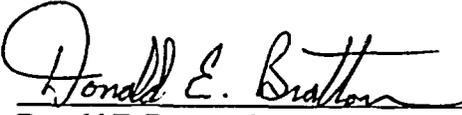
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Sincerely,


Donald L. Whitaker, Chairman
House Taxation & Revenue Committee


Donald E. Bratton, Representative
House of Representatives