

April 7, 2005

Mr. Nick Schwellenbach
Project On Government Oversight
1219b Park Rd NW
Washington, DC 20010

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Schwellenbach:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

On October 25, 2004, the NRC suspended public access to the Agencywide Documents Access and Management System database accessible through NRC's website and initiated a security review of public available documents, including the draft EIS. In response to the suspension of the website link, the NRC staff extended the public comment period on the draft EIS until January 7, 2005, allowing members of the public additional opportunity to obtain relevant documents and to bring forth issues and concerns for the agency's consideration on the draft EIS.

In view of the already expanded opportunities for public comment on the draft EIS, earlier NRC staff efforts to solicit public involvement in the EIS scoping process and a public meeting held during the comment period, the NRC staff has determined that 113 days were adequate to allow the public an opportunity to review and comment on the draft EIS and that an extension of the comment period is not warranted. Additionally, NRC staff received thousands of comments from approximately 400 commenters. Therefore, NRC concludes that the comment period provided ample opportunity for meaningful and substantial public comments on the draft EIS.

In the above-mentioned security review, NRC staff redacted detailed information and drawings that it deemed sensitive. Agencies have a duty to balance the need for public disclosure of relevant information with the need to protect sensitive information that could, in the wrong hands, pose a danger to the public. To this end, 42 U.S.C. Section 4321 *et. seq.*, NEPA which requires the consideration of environmental impacts and the preparation of environmental impact statements (EIS) for major Federal actions, contemplates that, in a given situation, a Federal agency may have to include environmental considerations in its decision-making process and yet withhold public portions of disclosure of the relevant NEPA document.

Section 102(2)(C) of NEPA provides that public disclosure of documents prepared pursuant to NEPA is governed by the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. Section 552. Congress intended FOIA to balance the public's need for access to official information with the Government's need for confidentiality regarding sensitive information. Therefore, if part of a NEPA document, such as an EIS, would be exempt from public disclosure under FOIA, the Agency has the authority to restrict public access to that part of the EIS.

In issuing a redacted version of NUREG-1790, the draft *Environmental Impact Statement* for the Proposed National Enrichment Facility in Lea County, New Mexico, Draft Report for Comment, NRC was acting within its authority under NEPA. The use of a redacted draft EIS is entirely consistent with FOIA's provision that any reasonably segregable portion of a document shall be provided after deletion of the portions exempt from disclosure, 5 U.S.C. Section 552(b), and therefore, with NEPA's requirement governing public access to EIS.

If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at 301-415-6262.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Ms. Linette Azinger
P.O. Box 276
Milton, PA 17847

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Ms. Azinger:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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L. Azinger

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Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Frank X. Kleshinski
209 North Drive
Jeannette, PA 15644

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Kleshinski:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

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April 7, 2005

Ms. Barbara Ramm
274 40th Street
Sacramento, CA 95819-1907

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Ramm :

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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In view of the already expanded opportunities for public comment on the draft EIS, earlier NRC staff efforts to solicit public involvement in the EIS scoping process and a public meeting held during the comment period, the NRC staff has determined that 113 days were adequate to allow the public an opportunity to review and comment on the draft EIS and that an extension of the comment period is not warranted. Additionally, NRC staff received thousands of comments from approximately 400 commenters. Therefore, NRC concludes that the comment period provided ample opportunity for meaningful and substantial public comments on the draft EIS.

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B. Ramm

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Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Ms. Lauren Robinson
6843 Eastern Avenue
Takoma Park, MD 20912

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Ms. Robinson:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Mr. Stephen Calkins
P.O. Box 766
Ithaca, NY 14851

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Calkins:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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S. Calkins

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If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at 301-415-6262.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Ms. Hannah Rosenau
OSU 419 NW Kings Boulevard
Corvallis, OR 97331

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Ms. Rosenau:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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and Environmental Protection
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Docket: 70-3103

cc: Service List

April 7, 2005

Mr. Matthew Liebman
Stanford Law School
242 Jessie Lane
Mountain View, CA 94041

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Liebman:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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April 7, 2005

Mr. Michael Appia
108 East Bridgeport
Spokane, WA 99207

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Appia:

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In view of the already expanded opportunities for public comment on the draft EIS, earlier NRC staff efforts to solicit public involvement in the EIS scoping process and a public meeting held during the comment period, the NRC staff has determined that 113 days were adequate to allow the public an opportunity to review and comment on the draft EIS and that an extension of the comment period is not warranted. Additionally, NRC staff received thousands of comments from approximately 400 commenters. Therefore, NRC concludes that the comment period provided ample opportunity for meaningful and substantial public comments on the draft EIS.

In the above-mentioned security review, NRC staff redacted detailed information and drawings that it deemed sensitive. Agencies have a duty to balance the need for public disclosure of relevant information with the need to protect sensitive information that could, in the wrong hands, pose a danger to the public. To this end, 42 U.S.C. Section 4321 *et. seq.*, NEPA which requires the consideration of environmental impacts and the preparation of environmental impact statements (EIS) for major Federal actions, contemplates that, in a given situation, a Federal agency may have to include environmental considerations in its decision-making process and yet withhold public portions of disclosure of the relevant NEPA document.

M. Appia

- 2 -

Section 102(2)(C) of NEPA provides that public disclosure of documents prepared pursuant to NEPA is governed by the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. Section 552. Congress intended FOIA to balance the public's need for access to official information with the Government's need for confidentiality regarding sensitive information. Therefore, if part of a NEPA document, such as an EIS, would be exempt from public disclosure under FOIA, the Agency has the authority to restrict public access to that part of the EIS.

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If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at 301-415-6262.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Mr. Erin Zayko
Smart Growth San Antonio
233 West Craig #2
San Antonio, TX 78212

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Sayko:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

On October 25, 2004, the NRC suspended public access to the Agencywide Documents Access and Management System database accessible through NRC's website and initiated a security review of public available documents, including the draft EIS. In response to the suspension of the website link, the NRC staff extended the public comment period on the draft EIS until January 7, 2005, allowing members of the public additional opportunity to obtain relevant documents and to bring forth issues and concerns for the agency's consideration on the draft EIS.

In view of the already expanded opportunities for public comment on the draft EIS, earlier NRC staff efforts to solicit public involvement in the EIS scoping process and a public meeting held during the comment period, the NRC staff has determined that 113 days were adequate to allow the public an opportunity to review and comment on the draft EIS and that an extension of the comment period is not warranted. Additionally, NRC staff received thousands of comments from approximately 400 commenters. Therefore, NRC concludes that the comment period provided ample opportunity for meaningful and substantial public comments on the draft EIS.

In the above-mentioned security review, NRC staff redacted detailed information and drawings that it deemed sensitive. Agencies have a duty to balance the need for public disclosure of relevant information with the need to protect sensitive information that could, in the wrong hands, pose a danger to the public. To this end, 42 U.S.C. Section 4321 *et. seq.*, NEPA which requires the consideration of environmental impacts and the preparation of environmental impact statements (EIS) for major Federal actions, contemplates that, in a given situation, a Federal agency may have to include environmental considerations in its decision-making process and yet withhold public portions of disclosure of the relevant NEPA document.

E. Zayko

- 2 -

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If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at 301-415-6262.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Mr. Ben Crowder
1002 Bursum Avenue
Socorro, NM 87006

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Crowder:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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In view of the already expanded opportunities for public comment on the draft EIS, earlier NRC staff efforts to solicit public involvement in the EIS scoping process and a public meeting held during the comment period, the NRC staff has determined that 113 days were adequate to allow the public an opportunity to review and comment on the draft EIS and that an extension of the comment period is not warranted. Additionally, NRC staff received thousands of comments from approximately 400 commenters. Therefore, NRC concludes that the comment period provided ample opportunity for meaningful and substantial public comments on the draft EIS.

In the above-mentioned security review, NRC staff redacted detailed information and drawings that it deemed sensitive. Agencies have a duty to balance the need for public disclosure of relevant information with the need to protect sensitive information that could, in the wrong hands, pose a danger to the public. To this end, 42 U.S.C. Section 4321 *et. seq.*, NEPA which requires the consideration of environmental impacts and the preparation of environmental impact statements (EIS) for major Federal actions, contemplates that, in a given situation, a Federal agency may have to include environmental considerations in its decision-making process and yet withhold public portions of disclosure of the relevant NEPA document.

B. Crowder

- 2 -

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If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at 301-415-6262.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Mr. Nicholas Frederick
13828 Alexander Road
Abbeville, LA 70510

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA
ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Frederick:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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If you have any questions or comments, please contact Melanie Wong, Project Manager for the environmental review of the proposed project, at 301-415-6262.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

April 7, 2005

Mr. Phillip Turner
801 Leroy Place
P.O. Box 3041
Socorro, NM 87801

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE LOUISIANA ENERGY SERVICES PROPOSED NATIONAL ENRICHMENT FACILITY

Dear Mr. Turner:

I am responding to your letter to Chairman Nils Diaz, dated February 3, 2005, related to the environmental review process for the proposed Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Eunice, New Mexico. As you are aware, on September 17, 2004, the U.S. Nuclear Regulatory Commission (NRC) published for public comment its draft *Environmental Impact Statement (EIS) for the Proposed National Enrichment Facility in Lea County, New Mexico* (NUREG-1790) with a 45 day public comment period to end on November 6, 2004, as required by the NRC regulations for implementing the National Environmental Policy Act (NEPA). In addition, on October 14, 2004, the NRC staff held a public meeting in Eunice, New Mexico, to receive comments on the draft EIS.

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P. Turner

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Sincerely,

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

P. Turner

- 2 -

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/RA/

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Division of Waste Management
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Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: Service List

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*See previous concurrence

OFC	HLWRS	DWMEP*	DWMEP*	OGC*	Tech Ed*	DWMEP*
NAME	MWong	JDavis	SCFlanders	JMoore	EKraus	LCamper
DATE	03/30/05	03/30/05	04/01/05	04/01/05	04/04/05	04/07/05

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