

**RAS 9583**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 03/22/05**

**SERVED 03/22/05**

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Paul B. Abramson  
Dr. Charles N. Kelber

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(National Enrichment Facility)

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

March 22, 2005

ORDER

(Adopting Transcript Corrections  
Regarding February 2005  
Evidentiary Hearing and Closing Record)

Upon consideration of (1) the proposed corrections to the transcripts of the evidentiary hearing held February 7-10, 2005, in this proceeding, which were submitted on February 28, 2005, by applicant Louisiana Energy Services, L.P., (LES) and the NRC staff, and on March 9, 2005, by intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC); and (2) the March 16, 2005 LES and NIRS/PC objections to certain of those proposed transcript corrections, it is

ORDERED, that the transcript of the evidentiary hearing held February 7-10, 2005, is revised per Appendix A to this order;<sup>1</sup> and it is

FURTHER ORDERED, that the evidentiary record with regard to the four environmental contentions to this proceeding -- NIRS/PC EC-1 -- Impacts Upon Ground and Surface Water;

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<sup>1</sup> The revision adopted in connection with transcript page 574, lines 18-19, is based upon a further review of the court reporter's tape of the hearing session in question.

NIRS/PC EC-2 – Impact Upon Water Supplies; NIRS/PC EC-4 – Impacts of Waste Storage; and NIRS/PC EC-7 – Need for the Facility -- is closed as of the date of this order.<sup>2</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

*/RA/*

G. Paul Bollwerk, III  
ADMINISTRATIVE JUDGE

Rockville, Maryland

March 22, 2005

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<sup>2</sup> In closing the record regarding these contentions, the Licensing Board is aware that it has pending a February 2, 2005 NIRS/PC motion for admission of a late-filed supplement/amendment to several existing admitting contentions, including contention NIRS/PC EC-4. If the Board were to rule favorably upon this particular aspect of the NIRS/PC motion, any evidentiary proceeding regarding the supplement/amendment to that contention would be held in conjunction with the hearing on safety matters currently scheduled for fall 2005.

<sup>3</sup> Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) applicant LES; (2) intervenors New Mexico Environment Department, the Attorney General of New Mexico, and NIRS/PC; and (3) the staff.

Appendix A

Corrections to February 7-10, 2005 Transcripts for  
Louisiana Energy Services, L.P. Proceeding

Page(s)	Line(s)	Delete	Insert
352	6	Douglas	Joseph
353	11	en limine	LES filed a motion in limine
361	2	While	My
361	17	natural	national
364	1	sure	short
366	5	Shomacker	Shomaker
367	22	NW-2	MW-2
476	22	waste control specialists	Waste Control Specialists
485	13	principle	principal
485	15	principle	principal
488	6-7	Thus the vast amount of irrigation that's present in this area. One wouldn't	Thus, with the vast amount of irrigation that's present in this area, one wouldn't
489	3	Wallack	Wallach
489	5	Wallack	Wallach
491	3	Harper	Hereford
491	19	Wallack	Wallach
491	24	Wallack	Wallach
492	11	monument draw	Monument Draw
492	13	monument draw	Monument Draw
492	24	monument draw	Monument Draw
493	4	monument draw	Monument Draw
494	2	monument draw	Monument Draw
495	21	it, assume	it assumes
496	19	MR. LOVEJOY	JUDGE ABRAMSON
496	21	You said that	MR. LOVEJOY: You said that

<b>Page(s)</b>	<b>Line(s)</b>	<b>Delete</b>	<b>Insert</b>
497	23	silky	silty
498	19	day that	data at
498	20	support that there	support that. There
499	9	advance	advanced
503	2	sighting	siting
510	18	JUDGE ABRAMSON	MR. LOVEJOY
510	21	MR. LOVEJOY	WITNESS PEERY
510	24	JUDGE ABRAMSON	MR. LOVEJOY
511	2	to	at
511	3	MR. LOVEJOY	WITNESS PEERY
512	3	JUDGE ABRAMSON	MR. LOVEJOY
512	9	MR. LOVEJOY	WITNESS PEERY
512	21	existence	distance
517	5	anomaly	nominally
517	6	take	say
519	2	perked	perched
524	9	one day	1-D
524	15	non-absorbing	nonsorbing
529	7	faces	forces
534	12	Simkins	Simpkins
534	20	ventilations	basins
541	3	slight	slightly
541	25	MR. LOVEJOY	WITNESS PEERY
548	5	isopacs	isopachs
549	14	plio-	playa
550	12	rainwater	Rainwater
555	13	In	An

Page(s)	Line(s)	Delete	Insert
563	1	tent	ten
564	2	perches	for engineering purposes
571	8	lob	log
573	16	plan	plane
574	18-19	There was a significant amount of fracturing in this area. We	If there was a significant amount of fracturing in this area, we
574	24	factors	fractures
581	12	o	or
592	15	sick	sink
603	14	Layne and the Dracus	Laine and Miklas
604	6	MR. LOVEJOY:	
604	8	?	.
604	8		"MR. LOVEJOY:" before "And the"
609	13	UVC	UBC
609	24	perimeter	permit
610	5	perimeter	permit
611	14	UVC	UBC
611	25	UVC	UBC
613	14	retention	detention
638	8	asses	assess
640	3	asses	assess
645	10	Holt	
697	2	Argon	Argonne
697	17	contaminate	contaminant
703	14	WITNESS TOBLIN	MR. LOVEJOY
704	23	Cooke-Joy	Cooke-Joyce
706	4	We	It would

Page(s)	Line(s)	Delete	Insert
708	7	grave	gravel
713	1	lines	liners
713	3	ethylene	effluent
715	8	help	HELP
715	16	05.	.05
715	16	one to	one to two
717	24	UVC	UBC
718	10	REI	RAI
718	21	Linga Nicholas	Laine Miklas
720	15	but it's	or its
721	13	would	would not
724	14-15	phenomenon. And	phenomenon. JUDGE ABRAMSON: And
728	21	coefficiencie	coefficients
729	20	we're fasting	faster
734	10	If the	The
735	22	interest	in
742	1	isopacks	isopachs
743	20	stuffy	study
744	4	chimney	Chinle
744	6	chimney	Chinle
747	20	under	a hundred
752	22	plan	plant
753	4	say	se
753	15-16	benzoate pyrine	benzo(a)pyrene
753	22	benzoate pyrine	benzo(a)pyrene
754	8	benzoate pyrine	benzo(a)pyrene

Page(s)	Line(s)	Delete	Insert
755	3	WITNESS TOBLIN	MR. LOVEJOY
755	6	WITNESS TOBLIN	MR. LOVEJOY
755	12	WITNESS TOBLIN	MR. LOVEJOY
758	2	Hope	HELP
841	13	tough, a fractured tough.	tuff, a fractured tuff.
844	5	impact	intact
845	2	and	in
846	20	official	surficial
848	20	in	and
850	7	poind	pond
852	20	MR. REPKA	WITNESS RICE
855	18	to	through
855	19	original	regional
856	13	dockum	Dockum
856	16	dockum	Dockum
857	6	fractured	fracture
860	15	line	lined
866	15	on	one
866	17	most way	most efficient way
870	19	Malkerek	Malherek
880	1	nearest	NIRS
880	8	MR. REPKA	MR. LOVEJOY
933	18	HF	AHF
934	7	HF	AHF
940	16	Erick	Eric
940	24	EG3U08	(e.g., U3O8)
944	6	condition	contention

<b>Page(s)</b>	<b>Line(s)</b>	<b>Delete</b>	<b>Insert</b>
944	15	our	your
947	19	It I should make a proffer.	I should like to make a proffer.
949	14-15	temporary disposal.	temporary, not disposal.
955	8	MR. LOVEJOY	MR. CURTISS
972	4	long	lung
983	23-24	risk probability time is	risk is probability times
987	13	as	has
989	10	success of	successive
1039	10	And hydrous	Anhydrous
1040	23	metropolis	Metropolis
1041	3	metropolis	Metropolis
1041	10	metropolis	Metropolis
1042	4	metropolis	Metropolis
1042	14	metropolis	Metropolis
1042	21	metropolis	Metropolis
1044	3	metropolis	Metropolis
1047	15	plan	plant
1053	11	metropolis	Metropolis
1053	11	plan	plant
1053	12	plan	plant
1053	13	plan	plant
1060	22	packs	past
1062	8	acclamation	clarification
1063	4	8th	28th
1113	2	nearest PC	NIRS/PC
1113	23	nearest PC	NIRS/PC
1124	5	other two	of the other two

Page(s)	Line(s)	Delete	Insert
1131	8	principle	principal
1131	13	anything	another
1136	3	traps	transportation
1137	16	Palmrose	Makhijani
1138	5	comma	comments
1146	1	lever	level
1146	21	issues	issued
1147	25	the	in the
1150	7	process case-by-case and a standard	process, case-by-case, and a standard
1156	24	sped	spend
1164	3	colliders	collisions
1164	24	I	is
1177	24	Rodham Kritch	Rod M. Krich
1177	25	Glenn	Len
1178	11	RODHAM KRITCH	ROD M. KRICH
1178	14	GLENN	LEN
1178	15	WEAVER	WOOMER
1179	1	Glenn	Len
1179	20	Glenn	Len
1183	14	Glenn	Len
1231	4	Glenn	Len
1232	11	Glenn	Len
1232	16	Glenn	Len
1241	6	Diebold	Dible
1244	19	PEERY	KRICH
1245	2	PEERY	KRICH

Page(s)	Line(s)	Delete	Insert
1245	6	PEERY	KRICH
1245	19	PEERY	KRICH
1256	18	plant	plan
1258	2	energies	entities
1262	7	Ostancia	Estancia
1262	11	annual of recharge	annual recharge
1267	7	no	on
1269	11	appropriation	appropriations
1270	10	four	40
1270	14	four	40
1279	6	diver	divert
1286	12	mine	mined
1288	17	sever	severe
1290	13	plant	plan
1291	7	They	The
1292	6	the project	to project
1294	13	though	thought
1308	18	of Home	Upon
1326	5	law	flow
1330	3	withdraw	withdrawal
1330	11	withdraw	withdrawal
1330	20	withdraw	withdrawal
1330	25	withdraw	withdrawal
1333	4	for	form
1335	12	withdraw	withdrawal
1342	20	for the aware	from the aquifer
1345	10	aware	aquifer

<b>Page(s)</b>	<b>Line(s)</b>	<b>Delete</b>	<b>Insert</b>
1372	3	mark	work
1372	12	aware	aquifer
1427	19	places	replaced
1487	11	our	your
1498	14	A	8
1498	19	A	8
1499	2	A	8
1506	3	enrichment	enriched
1507	18		paragraph break after "Okay."
1507	19		WITNESS SCHWARTZ: I guess I would like
1515	5	plants	plans
1528	1	They based	They are based
1536	17	be	been
1634	5	sufficient	insufficient
1665	2	Nevin you too	Nevin and you too
1674	5	plans	plants
1674	9	Neils	Nils
1675	19	in honor	an owner
1679	13	seem	seen
1686	5	interest eh	in the

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
LOUISIANA ENERGY SERVICES, L.P. ) Docket No. 70-3103-ML  
 )  
 )  
(National Enrichment Facility) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (ADOPTING TRANSCRIPT CORRECTIONS REGARDING FEBRUARY 2005 EVIDENTIARY HEARING AND CLOSING RECORD) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 22<sup>nd</sup> day of March 2005