

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

March 30, 2005 (4:40pm)

BEFORE THE SECRETARY

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of

Docket No. 70-7004

USEC Inc.  
American Centrifuge Plant (ACP)

Reply to "USEC Inc. Answer to Petition to Intervene by Portsmouth/Piketon  
Residents for Environmental Safety and Security (PRESS)"

Herein, we reply to USEC's answer to our petition to intervene, which we refer to simply as (the) "Answer."

On standing, USEC (Answer at page 8) acknowledges that "petitioners in a similar licensing proceeding involving uranium enrichment facilities have been granted standing," but argue that "that proceeding involved circumstances different from those here." From the subsequent paragraph, we understand that USEC is referring to the proceeding for Louisiana Energy Services' proposed National Enrichment Facility in New Mexico, to which Nuclear Information and Resource Service (NIRS) and Public Citizen (PC) were admitted. The different circumstances to which USEC refer concern the form of the declarations submitted by members of the petitioner organizations. In both cases, the members' requests that their interests be represented by the petitioning organization are presented as signed form-letters, much in the spirit of a common petition. USEC suggests that NIRS and PC "at least made an effort to particularize how the plant might adversely affect their interests," and directs our attention to the Declaration of Rose Gardner (NIRS/PC Petition to Intervene, April 6, 2004, at page 7.) Looking at the declarations of NIRS' and PC's members, we see that they are identical, like PRESS' members declarations, and that they do indeed include a paragraph regarding the members' interests, which reads as follows.

Based on the historical experience with uranium enrichment plants and other nuclear facilities, I believe that these facilities are inherently dangerous. Therefore, construction of this uranium enrichment plant so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiation and/or hazardous chemicals

were to occur, my family and I could be killed or become very ill. I am also concerned about the impact of slow releases of radioactivity to air or ground water, such as the releases that might occur if a depleted uranium container in storage should corrode or leak. I understand that long-term disposal of the waste from the proposed plant has not been arranged for, and I am concerned that waste may remain in the vicinity of the plant for decades or more, threatening the health of those who live nearby, such as me and my family

We have no doubt that our members understand that the nature of our petition is to protect them from precisely the kind of injuries described in the quoted statement. And, in fact, our petition discusses all of the issues raised in that statement. Moreover, the member-contributed content of the NIRS/PC declarations, – name, address, proximity, signature, and date – are virtually identical to that of the PRESS declarations. We don't believe that the difference in circumstances identified by USEC here is sufficient for PRESS to be denied standing.

Regarding our contentions, we wish all parties to understand that we are not lawyers, that we are inexperienced in the formalities of this proceeding, and that we are only able to prepare our presentations in our spare time. We had 60 days from New Years Eve, when the application documents were made available on ADAMS, in which to prepare our petition. We discovered that this was insufficient time for us to make the most robust, formally correct, presentation that we could have done. We note that 60 days is the shortest period of time allowed in this kind of proceeding in 10 CFR 2.309 (b)(3)(i), "the request and/or petition and the list of contentions must be filed as follows: ... [t]he time specified in any notice of hearing, ... which may not ... be less than 60 days from the date of publication of the notice in the Federal Register." At the time we filed our petition, we estimate that we were 5 or 6 drafts away from a properly composed product. This is evident from numerous typographical errors and logical inconsistencies, such as contentions that didn't match their bases. We regret this, but we refrained from submitting an amended version in the interest of fair play. We trust that the Secretary will take these points into consideration.

Our inexperience led us to leave as implications many points that should have been made explicit. That we were caught short of time led us to give short thrift to the wording of our contentions. Notwithstanding these considerations, we stand educated by the good replies of both USEC and the NRC staff, and we acknowledge that some of our contentions exceeded the scope of the proceedings, or are inadmissible for other genuine reasons. We intend to cut down the total number of contentions that we would have the Secretary consider. We would like to take the opportunity to communicate our intentions in this regard on Friday, when we intend to submit our reply to the NRC Staff's answer to our petition.

Finally, we would like to take this opportunity to reassure all parties that we will make our best effort to set up a legal fund, and to retain experienced counsel, in the event that we

are admitted to the proceedings. We believe that our participation will significantly enhance the soundness of the record in this case.

Respectfully submitted,

Date: 3/30/05

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