

From: Timothy Johnson
To: PHILLIP BARR
Date: 07/20/2006 9:40:40 AM
Subject: Re: Last thing I heard it was going to be a few more days before Les got its license. So, I would like t

In your email of June 26, 2006, you assert that the NRC staff used "falsified data" in its Environmental Impact Statement (EIS) to expedite the NRC staff's review for the recently licensed National Enrichment Facility, to be constructed near Eunice, New Mexico. As an attachment to your email, you provided presentation slides from Mr. Andy Berger of the State of New Mexico Environmental Department, Air Quality Bureau. Mr. Berger's slides, dated 2004, are entitled, "Keeping Dust Down and Growth Up in New Mexico: A Plan for Reducing Dust, Sustaining Growth, and Improving Health and Vistas." In your email, you state that Mr. Berger's "study" is proof that the weather conditions in the Eunice, NM area are different than those stated in the NRC's EIS.

With respect to your suggestion that the NRC "expedited" its review of the National Enrichment Facility (NEF), the NRC's review of Louisiana Energy Services' application to construct, operate, and decommission the NEF was conducted over a 30-month period, from January 2004 until June 2006. During this time, the NRC staff prepared a Safety Evaluation Report (NUREG-1827; published in June 2005) and an Environmental Impact Statement (NUREG-1790; June 2005) to document its review of the health, safety, and environmental aspects of the then-proposed NEF. The NRC staff also was party to several Atomic Safety Licensing Board (ASLB) hearings that focused on the appropriateness and thoroughness of the staff's review of the LES application. On June 23, 2006, the ASLB issued its final initial partial decision, which authorized the NRC staff to license the NEF, and found that the issuance of the license would not be inimical to the common defense and security or to the health and safety of the public or to the environment.

In response to your suggestion that the NRC staff used "falsified data" in evaluating weather conditions near the proposed NEF site, the NRC staff examined data from weather stations located in Eunice, Hobbs, and Roswell, New Mexico, and in Midland-Odessa, Texas (see section 3.5.2.3 of the EIS). These data are available from Internet websites maintained by the National Climate Data Center and the New Mexico Environment Department Air Quality Bureau, as referenced in the EIS. Therefore, the meteorological data used in the NRC staff's analysis are not "falsified" but rather are well documented and publicly available. These data are discussed in the text of the EIS and presented there in tables and graphs as well.

Finally, you assert that Mr. Berger's "study" shows that the weather conditions in the Eunice, NM area are different than those stated in the NRC's EIS. In his slides, Mr. Berger states that, while air quality in New Mexico is generally "excellent and clean," on days with high winds, dust levels can be high enough to exceed health standards. The NRC staff discusses each of these aspects of the local weather conditions in its EIS. In section 3.5.3 of the EIS, that staff notes that both Lea County, NM and Andrews County, TX are in attainment of the National Ambient Air Quality Standards (NAAQS) established by the EPA under the Clean Air Act. Thus, the air quality in Lea and Andrews counties is generally excellent and clean. A discussion of high winds is provided in section 3.5.2.4 of the EIS, and an exceedance of the EPA standard for particulate matter at Hobbs, NM, on April 15, 2003, as a result of a dust storm is noted in section 3.5.3 of the EIS. Thus, as noted in the EIS, the New Mexico Environment Department Air Quality Bureau is developing a Natural Events Action Plan, which is the focus of Mr. Berger's slides. In sum, therefore, the weather conditions presented in the NRC staff's EIS are consistent with those discussed in Mr. Berger's slides.

>>> "PHILLIP BARR" <pharb2@msn.com> 06/26/2006 2:23 AM >>>

Last thing I heard it was going to be a few more days before Les got its license. So, I would like to file an allegation that the NRC used falsified data on their Environmental study of Lea county to expedite the licensing of the Les plant .

I submit the study done by the Environmental Dept of the State of New Mexico as proof that the weather conditions here are different than that stated by the NRC.

Phillip Barr
Lea County

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Subject: Re: Last thing I heard it was going to be a few more days before Les got its license. So, I would like t

Creation Date 07/20/2006 9:40:40 AM

From: Timothy Johnson

Created By: TCJ@nrc.gov

Recipients

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pharb2 (PHILLIP BARR)

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