

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Nuclear Information and Resource Service and
Public Citizen,
Petitioners,

-against-

Petition for Review No. 06-1310

U.S. Nuclear Regulatory Commission and
the United States of America,
Respondents.

**STATEMENT ON BEHALF OF NUCLEAR INFORMATION AND RESOURCE
SERVICE AND PUBLIC CITIZEN
OF ISSUES TO BE RAISED ON REVIEW**

Pursuant to the Order of the Court dated August 31, 2006, Petitioners Nuclear Information and Resource Service and Public Citizen (collectively, "NIRS/PC") provide the following nonbinding preliminary statement of issues to be raised on review:

1. Whether the draft and final environmental impact statements concerning the proposed National Enrichment Facility ("NEF") sufficiently analyzed and disclosed the impacts of the NEF upon the environment and human health, including:
 - a. impacts of the NEF upon ground water.
 - b. impacts of the NEF upon nuclear proliferation.
 - c. impacts of the NEF upon other suppliers and buyers of uranium enrichment services.
 - d. impacts of the construction and operation of a deconversion plant to treat the depleted uranium hexafluoride generated by the NEF, including alternative deconversion processes and products.

- e. impacts of disposal of depleted uranium generated by the NEF, including alternative methods of near-surface, mine, and deep geologic disposal.
 - f. impacts of enrichment, deconversion and disposal of materials including transuranic elements.
2. Whether the Nuclear Regulatory Commission correctly determined, in applying the Atomic Energy Act and regulations adopted under that act, that near-surface disposal of depleted uranium could be the predicate for an estimate of the cost of decommissioning the proposed NEF.
 3. Whether the Nuclear Regulatory Commission correctly rejected contentions proposed by NIRS/PC that challenged estimates of the cost of deconversion and disposal of depleted uranium by the U.S. Department of Energy.
 4. Whether the Nuclear Regulatory Commission correctly licensed Louisiana Energy Services, L.P. to receive and use transuranic elements.
 5. Whether a member of the Commission was disqualified from participating in this licensing proceeding.

Respectfully submitted,



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September 28, 2006

CERTIFICATE OF SERVICE

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure, the undersigned attorney of record certifies that on September 28, 2006, the foregoing Statement on behalf of NIRS/PC of Issues to be Raised on Review was served by first class mail upon the following:

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