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UNITED STATES OF AMERICA
U.S. NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
Louisiana Energy Services
(Claiborne Enrichment Center)

)
)
) Docket No. 70-3070
) October 16, 1997
)



**CITIZENS AGAINST NUCLEAR TRASH'S MOTION FOR LEAVE TO FILE
SURREPLY PROPOSED SUPPLEMENTAL FINDINGS**

Intervenor, Citizens Against Nuclear Trash ("CANT"), hereby moves for leave to file the attached surreply to the NRC Staff's Reply to Proposed Findings Regarding CLI-97-11 (October 14, 1997) (hereinafter "Staff Proposed Reply Findings"). CANT submits that an opportunity to present a surreply is warranted justified on the following grounds:

1. In paragraph 5, in answer to CANT's argument that it ignored relevant and available data from a 1993 National Academy of Sciences study of the geochemical characteristics of the Hanford site, the NRC Staff contradicts the testimony it gave in the 1995 hearing.¹ While NRC witness Dr. Price testified in 1995 that the Staff did not review the NAS data, the Staff now asserts that it did. CANT requests leave to correct this misrepresentation, by demonstrating that (a) the Staff's assertion is directly contradicted by the previous testimony of Dr. Price, and (b) the Staff's assertion is undermined by the fact that none of the data sources cited in the NAS study are mentioned in Dr. Price's 1995 testimony or any other testimony from 1995.

2. In paragraph 5, the Staff also misleadingly presents a quotation from the NAS study as if it were a statement by Dr. Price during the 1995 hearing. The Staff cites the 1995 hearing transcript for the statement that: "The numbers in Table 7-1 are not based on firm evidence." In actuality, this is a quotation from page 202 of the NAS study, and pertains only to radium. CANT seeks leave to correct this misrepresentation.

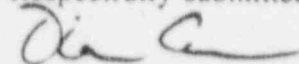
3. The Staff's misquotation in paragraph 5, taken together with its 1995 testimony,

¹ The National Academy of Sciences ("NAS") report, issued in 1983, is entitled "A Study of the Isolation System for Geologic Disposal of Radioactive Wastes."

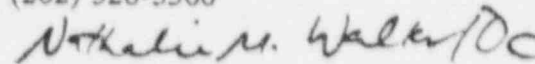
gives the false impression that the NAS study contained no reliable data or citations to data. Because the Staff has now quoted from the NAS study, CANT believes that in order to fully and fairly address the argument raised by the Staff, the Board must review the actual language of the study to confirm that only radium data is presented as not "firm," and that uranium data is neither similarly qualified nor undocumented. The relevant portion of the NAS study is attached to CANT's Surreply.

4. CANT also seeks leave to respond to arguments made by the Staff in paragraph 7, in response to CANT's testimony that the Staff's uranium dose calculations are not scientifically credible because they are much lower than doses that would be obtained from a well dug in ordinary soil. In ordering these supplemental findings, the Board directed the parties to respond to the questions raised by the Board in the September 30 Hearing Conference. These questions included Judge Shon's question as to whether there is anything in the record that addresses whether the doses calculated by the NRC Staff are incredible. Tr. at 29-30. Contrary to the Board's explicit instructions, the Staff failed to respond to this question in its Proposed Findings filed October 7, and instead waited to address it in its Reply Findings. In fairness to the Intervenor, either CANT should be permitted an opportunity to respond to this belated argument or it should be stricken.

Respectfully submitted,



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