UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of GLOBAL LASER ENRICHMENT, LLC (Paducah Laser Enrichment Facility)	Docket No. 70-7033-ML June 1, 2026

NRC STAFF'S CONSOLIDATED ANSWERS TO HEARING REQUESTS SUBMITTED BY KENTUCKY RESOURCES COUNCIL, INC. AND MICHAEL MCVICKER

INTRODUCTION

Pursuant to 10 C.F.R. § 2.309, the U.S. Nuclear Regulatory Commission (NRC) Staff hereby responds to the requests for hearing and petitions for leave to intervene (petitions) submitted by Kentucky Resources Council, Inc. (KRC) and Michael McVicker (Petitioners).[1] As further discussed below, neither of the Petitioners has demonstrated standing or submitted an admissible contention. Consequently, both petitions should be denied.

BACKGROUND

On August 4, 2025, the NRC Staff (Staff) accepted for review an application submitted by Global Laser Enrichment, LLC (GLE) for a license to construct and operate a uranium enrichment facility in McCracken County, Kentucky.[2] The facility would be located adjacent to the Paducah Gaseous Diffusion Plant site and would use laser-based isotope separation

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1 *Petition for Leave to Intervene and Request for Hearing from Petitioner Michael McVicker* (May 2, 2026) (ADAMS Accession No. ML26122A001) (McVicker Petition); *Kentucky Resources Council, Inc.'s Request for Hearing* (May 5, 2026) (ML26125A449) (KRC Petition).

2 Letter from Samantha Lav, U.S. Nuclear Regulatory Commission, to Timothy Knowles, Global Laser Enrichment, LLC (Aug. 4, 2025) (ML25202A201).

technology to enrich uranium hexafluoride up to 8 weight percent uranium-235.[3] In CLI-26-3, the Commission provided notice of an opportunity to request a hearing on GLE's license application.[4] The notice was published in the *Federal Register* on March 6, 2026,[5] and the Petitioners timely submitted their respective petitions on May 2, 2026 and May 5, 2026.[6]

DISCUSSION

For either petition to be granted, the Petitioner must demonstrate that it has standing and has proposed at least one admissible contention.[7]

I. Standing to Intervene

A. Applicable Legal Requirements

In accordance with the Atomic Energy Act (AEA), "the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding."[8] The Commission will grant a hearing request if the petitioner demonstrates that it has standing under the provisions of 10 C.F.R. § 2.309(d) and submits at least one admissible contention that meets the requirements of 10 C.F.R. § 2.309(f).[9] The petitioner's hearing request must contain:

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[3] Letter from Tim Knowles, Global Laser Enrichment, LLC, to NRC Document Control Desk, at 1 (Jun. 27, 2025) (ML25179A001).

[4] CLI-26-3, 103 NRC __ (Mar. 4, 2026) (slip op. at 10).

[5] Global Laser Enrichment, LLC; (Paducah Laser Enrichment Facility); Notice of Receipt of Application for License; Notice of Consideration of Issuance of License; Notice of Hearing and Commission Order; Opportunity To Request a [Contested] Hearing; and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation, 91 Fed. Reg. 11,092 (Mar. 6, 2026) (GLE Notice and Order).

[6] Referral Memorandum from the Secretary, "Request for Hearing Regarding the Application for License From Global Laser Enrichment, LLC for the Paducah Laser Enrichment Facility (Docket No. 70-7033)" (May 7, 2026) (ML26127A333); Referral Memorandum from the Secretary, "Petition for Leave to Intervene and Request for Hearing Regarding the Application for License From Global Laser Enrichment, LLC for the Paducah Laser Enrichment Facility (Docket No. 70-7033)" (May 18, 2026) (ML26138A065).

[7] 10 C.F.R. § 2.309(a).

[8] Hearings and Judicial Review, Atomic Energy Act § 189a(1)(A), 42 U.S.C. § 2239(a)(1)(A).

[9] *See* 10 C.F.R. § 2.309(a).

(i) The name, address and telephone number of the requestor or petitioner;

(ii) The nature of the requestor's/petitioner's right under the [AEA] to be made a party to the proceeding;

(iii) The nature and extent of the requestor's/petitioner's property, financial or other interest in the proceeding; and

(iv) The possible effect of any decision or order that may be issued in the proceeding on the requestor's/petitioner's interest.[10]

1. Traditional Standing Principles

In addition to fulfilling the general standing requirements of 10 C.F.R. § 2.309(d)(1), a petitioner "must demonstrate that it has an interest that may be affected by the proceeding."[11] The Commission applies contemporaneous judicial concepts of standing to evaluate whether the petitioner has demonstrated the requisite interest.[12] To this end, "a petitioner must (1) allege an injury in fact that is (2) fairly traceable to the challenged action and (3) is likely to be redressed by a favorable decision."[13] The injury claimed by the petitioner must be actual or threatened and both concrete and particularized.[14] Further, the injury alleged must be to an interest arguably within the zone of interests protected by the governing statute.[15] The causation element of standing requires a petitioner to show "that the injury is fairly traceable to the proposed action."[16] The redressability element of standing "requires the intervenor to show that

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10 10 C.F.R. § 2.309(d).

11 *See Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI-15-25, 82 NRC 389, 394 (2015).

12 *See id*.

13 *Id*. at 394.

14 *Int'l Uranium (USA) Corp.* (White Mesa Uranium Mill), CLI-01-21, 54 NRC 247, 250 (2001); *see also Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 72 (stating that "standing has been denied when the threat of injury is too speculative").

15 *Calvert Cliffs 3 Nuclear Project, LLC, & UniStar Nuclear Operating Services, LLC* (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-09-20, 70 NRC 911, 915 (2009).

16 *Sequoyah Fuels Corp.,* CLI-94-12, 40 NRC at 75.

its actual or threatened injuries can be cured by some action of the tribunal."[17] The petitioner has the burden to allege facts sufficient to establish standing,[18] and "conclusory allegations about potential radiological harm" are insufficient for this showing.[19] However, the Commission will "construe the petition in favor of the petitioner" when making a standing determination.[20]

2. Proximity Plus Standing

In licensing proceedings that do not involve power reactors, there is no presumption of standing based upon geographic proximity absent a determination that the proposed action involves a significant source of radioactivity producing an obvious potential for offsite consequences.[21] Whether and at what distance a petitioner can be presumed to be affected must be judged on a case-by-case basis, taking into account the nature of the proposed action and the significance of the radioactive source.[22] Where a petitioner is unable to demonstrate so-called "proximity-plus" standing under these standards, traditional standing principles will apply.[23]

3. Organizational and Representational Standing

When an organization requests a hearing, it must demonstrate either organizational or representational standing.[24] Organizations seeking standing in their own right must satisfy the same standing requirements as individuals.[25] Where an organization seeks to establish

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17 *Sequoyah Fuels Corp.* (Gore, Oklahoma Site Decommissioning), CLI-01-02, 53 NRC 9, 14 (2001).

18 *See Commonwealth Edison Co*. (Zion Nuclear Power Station, Units 1 and 2), CLI-00-5, 51 NRC 90, 98 (2000).

19 *See Nuclear Fuel Servs, Inc.* (Erwin, Tennessee), CLI-04-13, 59 NRC 244, 248 (2004).

20 *Georgia Institute of Technology* (Georgia Tech Research Reactor), CLI-95-12, 42 NRC 111, 115 (1995).

21 *USEC, Inc.* (American Centrifuge Plant), CLI-05-11, 61 NRC 309, 311 (2005).

22 *Id*.

23 *See U.S. Army Installation Command* (Schofield Barracks, Oahu, Hawaii, and Pohakuloa Training Area, Island of Hawaii, Hawaii), CLI-10-20, 72 NRC 185, 189 (2010).

24 *See Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-98-21, 48 NRC 185, 195 (1998).

25 *Consumers Energy Co.* (Palisades Nuclear Power Plant), CLI-07-18, 65 NRC 399, 411 (2007).

representational standing, it must demonstrate that at least one of its members may be affected by the NRC's approval of the licensing action and qualifies for standing in his or her own right.[26] The organization must also identify the member by name and demonstrate that the member has authorized the organization to represent him or her and to request a hearing on his or her behalf.[27] In addition, the organization must show that the interests it seeks to protect are germane to its own purpose.[28]

B. The Petitioners' Standing to Intervene

Based on the specific allegations contained in the petitions, neither Petitioner has made a sufficient showing to establish standing under the NRC's requirements.

1. Kentucky Resources Council, Inc.

KRC seeks representational standing based on a declaration submitted by one of its members who lives in Brookport, Illinois and works in Paducah, Kentucky.[29] However, the petition and supporting declaration (collectively, the "petition") do not demonstrate that the member qualifies for standing in his own right, whether under the "proximity-plus" standard or traditional standing principles.

i. *Proximity Plus*

KRC has not met its burden of establishing that the proposed uranium enrichment facility involves a significant source of radioactivity producing an obvious potential for offsite consequences in areas where the above-referenced KRC member lives and works.

The petition establishes that the member lives and owns property in Brookport, Illinois, approximately 17 miles northeast of the proposed uranium enrichment facility, and that he works

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[26] *Nuclear Development, LLC* (Bellefonte Nuclear Plant, Units 1 & 2), CLI-20-16, 92 NRC 511, 515 (2020).

[27] *Id*.

[28] *Id*.

[29] KRC Petition at 5-9.

as a produce manager at a grocer in Paducah, Kentucky.[30] The petition also indicates that the member is concerned that the proposed facility may release radionuclides or other pollutants that may reach those areas via prevailing winds or other means, causing adverse effects to the member's health and other interests, including his property interests in Illinois and his financial interests in selling produce grown on his Illinois property.[31]

However, despite identifying certain types of interests that can form the basis for standing, the petition does not include information that might supply a reasonable basis for presuming standing based on a determination that the proposed uranium enrichment facility presents an "obvious potential for offsite consequences" at the distances where the member lives and works. In prior uranium enrichment facility proceedings, standing was established based on persons living closer to the proposed facility.[32] Moreover, NRC regulatory analysis regarding accidents and emergency preparedness at fuel cycle facilities indicates that the offsite health effects of relevance to emergency planning at uranium enrichment facilities, including the offsite consequences of accidental uranium hexafluoride releases, are not expected at the distances where this KRC member lives and works.[33] While the Commission has indicated that

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30 KRC Petition at 6-8; *Exhibit A - Declaration of Mark Donham*, at 1-2 (May 5, 2026) (ML26125A450) (Declaration).

31 KRC Petition at 6-8; Declaration at 2-4.

32 *See American Centrifuge Plant*, CLI-05-11, 61 NRC at 312 (agreeing with the Staff that there is an obvious potential that those residing within one mile of the proposed gas centrifuge enrichment facility may be affected by the construction, operation, or decommissioning of the facility, and explaining that the Commission's conclusion in that regard is consistent with its conclusion in the *National Enrichment Facility* proceeding that persons living at 2.5- and 4.9-mile distances from the proposed facility live in such close proximity that they would have an obvious potential to be affected by the facility); *Louisiana Energy Servs., L.P.* (National Enrichment Facility), CLI-04-15, 59 NRC 256, 257 (2004) (granting standing in circumstances where the applicant and the Staff jointly took the position that the petitioners have established organizational standing based on identified members who live in "close proximity" to the proposed gas centrifuge enrichment facility, at distances that might be affected by the construction, operation, or decommissioning of the facility).

33 *See* "A Regulatory Analysis on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees – Final Report," NUREG-1140, at 38-52 (Jan. 1, 1988) (ML062020791) (NUREG-1140) (summarizing the similar offsite health effects and emergency preparedness implications of accidental uranium hexafluoride releases and criticality accidents at fuel cycle facilities, and estimating the possibility of certain transient offsite health effects up to three and five miles away under adverse conditions).

presumptive standing need not be based only on the types of offsite consequences that form the basis for emergency planning,[34] the above-referenced regulatory analysis nevertheless provides a relevant baseline for considering whether there is a reasonable basis for determining that the proposed uranium enrichment facility presents an "obvious potential for offsite consequences" at the distances where the member lives and works.

In light of the foregoing baseline for thinking about this issue, and without the inclusion of something more in the petition that might indicate why extending presumptive standing to the distances in question in this case would be warranted, the Staff cannot reasonably conclude that KRC has demonstrated standing on the basis that the proposed uranium enrichment facility involves a significant source of radioactivity producing an obvious potential for offsite consequences in the areas where the KRC member lives and works. The limited details that are included in the petition, such as the stated concern regarding prevailing winds and the assertion that various processes at uranium enrichment facilities have "historically resulted in releases to the environment of pollutants,"[35] do not supply a reasonable basis for concluding that extending presumptive standing to the areas where the member lives and works is warranted in this case.

For the foregoing reasons, KRC has not made a sufficient showing that its member qualifies for standing in his own right under the "proximity-plus" standard.

ii. *Traditional Standing Principles*

If there is no obvious potential for radiological harm at a particular distance frequented by the petitioner, it becomes the petitioner's burden to show a specific and plausible means of

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[34] *Interim Storage Partners LLC* (WCS Consol. Interim Storage Facility), CLI-20-15, 92 NRC 491, 496 (2020) (finding that the Board reasonably determined petitioner had standing based in part on the Board's rejection of an argument that standing can be based on nothing short of the level of risk necessary to trigger emergency planning requirements).

[35] KRC Petition at 6, 8.

how the challenged action may harm him or her.[36] KRC has not met its burden of making this showing under traditional standing principles.[37]

The primary basis for KRC's assertion of standing is its member's stated concerns that the proposed facility may release radionuclides or other pollutants that may reach the areas where he lives and works, via prevailing winds or other means, causing adverse effects to the member's health and other interests, including his property interests in Brookport, Illinois and his financial interests in selling produce grown on that property.[38] The petition indicates that these adverse impacts on the member's interests may be caused by "the potential for air emissions from the proposed facility," routine environmental releases of pollutants during various processes at the facility, and "environmental releases due to accidents, including accidents associated with earthquake activity."[39] The cited bases for these concerns include: an assertion that the proposed facility would be located in a "major" seismic zone and that the member "was informed by an environmental expert associated with the proposed facility at a recent public information meeting that [the applicant] does not yet have the design completed on how to build the plant to withstand such an event";[40] a stated concern that certain steps in the gaseous diffusion process "have historically resulted in releases to the environment of pollutants" and that similar releases may occur at the proposed facility because it will utilize similar processes in certain respects (*e.g.*, while handling uranium and wastes);[41] and the assertion that the

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36 *American Centrifuge Plant*, CLI-05-11, 61 NRC at 311–12.

37 *See Schofield Barracks*, CLI-10-20, 72 NRC at 189 (where a petitioner is unable to demonstrate so-called "proximity-plus" standing, traditional standing principles will apply).

38 KRC Petition at 6-8; Declaration at 2-4.

39 KRC Petition at 7-8.

40 KRC Petition at 7; Declaration at 3.

41 KRC Petition at 7-8; Declaration at 3-4.

member's home and property in Brookport, Illinois are in the direction of the prevailing winds from the proposed facility.[42]

The concerns identified in the petition are too general and speculative in nature to meet KRC's burden under traditional standing principles. Given that the petition has not identified more specific concerns regarding why the proposed facility presents a non-speculative risk of airborne contaminants that may extend to and adversely affect the KRC member at the distances and locations in question, the Staff cannot reasonably conclude that the member's concern about being located downwind of the proposed facility satisfies the Petitioner's burden, however modest, to show a specific and plausible means of injury causation at the distances and locations where the member lives and works.

This assessment is reinforced by the NRC regulatory analysis regarding accidents and emergency preparedness at fuel cycle facilities, which, as previously referenced, indicates that the offsite health effects of relevance to emergency planning at uranium enrichment facilities are not expected at the distances where the KRC member lives and works.[43] In light of that baseline information for considering offsite consequences of accidents at the proposed facility, and given the lack of specificity in the petition regarding the injury and causation elements of the standing analysis, the Staff concludes that KRC has not met its burden of showing a concrete and particularized injury, in the areas where the member lives or works, that is fairly traceable by a plausible chain of causation to the proposed facility.[44]

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42 KRC Petition at 7; Declaration at 2.

43 *See* NUREG-1140 at 38-52.

44 *Cf. Nuclear Fuel Servs., Inc.* (Erwin, Tennessee), LBP-04-5, 59 NRC 186, 195 (to establish standing, the petitioner "cannot simply point to references in the [environmental assessment] to the effect that there will be some airborne emissions as the result of the execution of the … Project," and the petitioner's "burden extends to supplying some good reason to believe that, 20 miles away from the site, the emissions might prove harmful"), *aff'd*, CLI-04-13, 59 NRC 244, 248-49 (2004) (any alleged injury to the petitioner is "entirely speculative").

Separately, the petition also indicates that the KRC member is concerned that airborne routine or accidental releases of radionuclides from the proposed facility may contaminate produce grown in the West Paducah area, and the petition appears to suggest that future such contamination may cause adverse effects to the member's financial interest in his employment as a produce manager at a grocer in Paducah.[45] This concern is based on assertions that the grocer periodically "carries significant locally grown produce, including some from the West Paducah area" and that "the Kentucky state environmental agency [previously] did a survey of garden produce from gardens very close to the old [Paducah Gaseous Diffusion Plant] and found detectable levels of radionuclides."[46]

Here, too, KRC has not made a sufficient showing of a concrete and particularized injury that is fairly traceable by a plausible chain of causation to the proposed facility. For example, the petition does not offer any information regarding the proximity of the proposed facility to the areas in West Paducah where the local produce is grown. Moreover, the petition does not offer any explanation of why the contamination of certain local produce would plausibly affect the member's financial interest in his employment as a produce manager at the local grocer. Consequently, the Staff cannot conclude that KRC has demonstrated traditional standing on this basis, either.

For the foregoing reasons, KRC has not made a sufficient showing that its member qualifies for standing in his own right, whether under the "proximity-plus" standard or traditional standing principles. Because KRC has not established representational standing under the NRC's requirements, the Board should not grant the organization standing in this matter.

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[45] KRC Petition at 8.

[46] *Id*.

2. Michael McVicker

Mr. McVicker seeks standing based on a "proximity presumption" because he "reside[s], work[s], and frequently travel[s] within the specific radius where the offsite consequences of a radiological or chemical release could reasonably cause an injury in fact."[47] However, while the petition asserts that Mr. McVicker is a "small business owner and resident of McCracken County,"[48] it does not provide addresses or any other information regarding where in McCracken County he resides or works. The petition goes on to assert that "the economic reputation and environmental integrity of the region directly impact [Mr. McVicker's] livelihood and property values."[49] Additionally, the petition notes that as "a father raising two young children in this immediate area, [Mr. McVicker has] a vested, urgent interest in ensuring that the introduction of new nuclear infrastructure does not compromise the long-term health, groundwater safety, and emergency response capabilities of our community."[50]

Based on the foregoing information, the Staff is unable to reasonably conclude that Mr. McVicker has demonstrated that he meets NRC requirements regarding standing, whether under "proximity-plus" standards or traditional standing principles.

With regard to the Commission's "proximity-plus" standards, the petition contains insufficient information to reasonably presume standing based on a determination that the proposed uranium enrichment facility presents an "obvious potential for offsite consequences" at the specific locations within McCracken County where Mr. McVicker lives, works, or owns property. The petition does not provide addresses or otherwise identify those locations within the county, nor does it attempt to supply a basis for the required showing that the proposed uranium enrichment facility involves a significant source of radioactivity producing an obvious

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47 McVicker Petition at 1.

48 *Id*.

49 *Id*.

50 *Id*.

potential for offsite consequences in those specific locations. Consequently, the petition does not supply the factual basis that would be necessary to presume standing under the Commission's "proximity-plus" standards.[51]

The petition's lack of detail also precludes a finding of standing under traditional standing principles. While the petition references certain types of injuries that can form the basis for standing, including potential adverse impacts to Mr. McVicker's health and to his financial and property interests, the document as a whole does not contain the level of detail that is necessary to make the required showing of a specific and plausible means of how the challenged action may harm the Petitioner. Injury-in-fact and causation cannot be assumed simply because the Petitioner lives, works, or owns land in the county where a proposed fuel cycle facility would be located. Such a position would amount to a "conclusory allegation[] about potential … harm," which the Commission has noted is an insufficient basis to establish standing.[52] While the Commission affords greater latitude to hearing requests submitted by *pro se* petitioners, they still bear the burden to provide sufficient facts to establish standing.[53] Here, the Petitioner has not met that burden.

Since neither Petitioner has demonstrated standing, the petitions should be denied on that basis alone.

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[51] *Cf*. *Palisades*, CLI-07-18, 65 NRC at 410 (explaining that the Commission cannot find proximity-based standing based on various petitioners' "general assertions of proximity," including assertions that certain members of an organization live within the county where the facility is located).

[52] *See Nuclear Fuel Servs.*, *Inc.*, CLI-04-13, 59 NRC at 248.

[53] *Bellefonte*, CLI-20-16, 92 NRC at 511; *Schofield Barracks*, CLI-10-20, 72 NRC at 189.

II. Admissibility of the Petitioners' Proposed Contentions

A. Legal Requirements for Contentions

10 C.F.R. § 2.309(f)(1) establishes the "basic criteria that all contentions must meet in order to be admissible."[54] Pursuant to that section, a contention must:

(i) Provide a specific statement of the issue of law or fact to be raised or controverted;

(ii) Provide a brief explanation of the basis for the contention;

(iii) Demonstrate that the issue raised in the contention is within the scope of the proceeding;

(iv) Demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that is involved in the proceeding;

(v) Provide a concise statement of the alleged facts or expert opinions which support the requestor's/petitioner's position on the issue and on which the petitioner intends to rely at the hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue; and

(vi) Provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact, including references to specific portions of the application (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the applciation fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief.[55]

The failure to comply with any one of the 10 C.F.R. § 2.309(f)(1) requirements is grounds for the dismissal of a contention.[56]

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[54] *Entergy Nuclear Vermont Yankee, LLC* (Vermont Yankee Nuclear Power Station), LBP-06-14, 63 NRC 568, 572 (2006); *see also USEC, Inc*. (American Centrifuge Plant), CLI-06-9, 63 NRC 433, 437 (2006) (stating that the Commission "will reject any contention that does not satisfy the requirements").

[55] 10 C.F.R. § 2.309(f)(1).

[56] *Private Fuel Storage, LLC* (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 325 (1999).

The contention admissibility requirements of 10 C.F.R. § 2.309(f)(1) are intended to "focus litigation on concrete issues and result in a clearer and more focused record for decision."[57] The Commission has stated that it "should not have to expend resources to support the hearing process unless there is an issue that is appropriate for, and susceptible to, resolution in an NRC hearing" as indicated by a proffered contention that satisfies all of the 10 C.F.R. § 2.309(f)(1) requirements.[58] The Commission has emphasized that the 10 C.F.R. § 2.309(f)(1) requirements are "strict by design."[59] Attempting to satisfy these requirements by "[m]ere 'notice pleading' does not suffice."[60] A contention must be rejected where, rather than raising an issue that is concrete or litigable, it reflects nothing more than a generalization regarding the petitioner's view of what the applicable policies ought to be.[61]

Pursuant to 10 C.F.R. § 2.309(f)(1)(iii), a proposed contention must be rejected if it raises issues beyond the scope of the proceeding as dictated by the Commission's hearing notice.[62] Also, to show that a dispute is "material" pursuant to 10 C.F.R. § 2.309(f)(1)(iv), a petitioner must show that its resolution would make a difference in the outcome of the proceeding.[63]

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57 Changes to Adjudicatory Process, 69 Fed. Reg. 2182, 2202 (Jan. 14, 2004).

58 *Id*.

59 *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-01-24, 54 NRC 349, 358 (2001), *petition for reconsideration denied*, CLI-02-01, 55 NRC 1 (2002).

60 *Amergen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), CLI-06-24, 64 NRC 111, 119 (2006) (quoting *Exelon Generation Co., LLC* (Early Site Permit for Clinton ESP Site), CLI-05-29, 62 NRC 801, 808 (2005)).

61 *See Private Fuel Storage, LLC* (Independent Spent Fuel Storage Installation), CLI-04-22, 60 NRC 125, 129 (2004) (citing *Philadelphia Electric Co*. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20–21 (1974)).

62 *See Nuclear Management Co., LLC* (Palisades Nuclear Plant), LBP-06-10, 63 NRC 314, 338 (contentions "are not cognizable unless they are material to matters that fall within the scope of the proceeding for which the licensing board has been delegated jurisdiction as set forth in the Commission's notice of opportunity for hearing"), *aff'd*, CLI-06-17, 63 NRC 727 (2006).

63 *See Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, and 3) CLI-99-11, 49 NRC 328, 333–34 (1999).

Further, pursuant to 10 C.F.R. § 2.309(f)(1)(v), a proposed contention must be rejected if it does not provide a concise statement of the facts or expert opinions that support the proposed contention together with references to specific sources and documents. Neither mere speculation nor bare or conclusory assertions, even by an expert, suffices to allow the admission of a proposed contention.[64] Additionally, simply attaching material or documents as a basis for a contention, without setting forth an explanation of that information's significance, is inadequate to support the admission of the contention.[65] The Board is not expected to sift through attached material and documents in search of factual support.[66]

Finally, pursuant to 10 C.F.R. § 2.309(f)(1)(vi), a proposed contention must be rejected if it does not present a genuine dispute with the applicant on a material issue of law or fact. The Commission has emphasized that "contentions shall not be admitted if at the *outset* they are not described with reasonable specificity or are not supported by some alleged fact or facts *demonstrating* a genuine material dispute" with the applicant.[67] The hearing process is reserved "for genuine, material controversies between knowledgeable litigants."[68]

B. Analysis of the Petitioners' Proposed Contentions

1. Kentucky Resources Council, Inc.

For the reasons explained below, KRC has not proposed any admissible contentions.

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64 *See USEC, Inc.* (American Centrifuge Plant), CLI-06-10, 63 NRC 451, 472 (2006); *Fansteel, Inc.* (Muskogee, Oklahoma Site), CLI-03-13, 58 NRC 195, 203 (2003).

65 *See Fansteel,* CLI-03-13, 58 NRC at 204–05.

66 *NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), CLI-12-5, 75 NRC 301, 332 (2012).

67 *Id*. at 307 (quoting *Oconee*, CLI-99-11, 49 NRC at 335).

68 *Seabrook*, CLI-12-5, 75 NRC at 307 (quoting *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Unit 2), CLI-03-14, 58 NRC 207, 219 (2003)).

a. Contention 1: The Department of Energy is not empowered or authorized by law to transfer title to the uranium to GLE

In Contention 1, KRC asserts that the Department of Energy lacks legal authority to sell or transfer depleted uranium currently stored at the former Paducah Gaseous Diffusion Plant.[69] KRC bases this assertion primarily on two Government Accountability Office reports, issued in 2008 and 2022, which opine that the Department of Energy "likely" lacks legal authority to sell its depleted uranium inventory.[70] KRC asserts that the issue of the Department of Energy's legal authority in that regard is "central to the [NRC's] consideration of licensing GLE to engage in receipt, management, conversion, and waste disposal of such [depleted uranium hexafluoride] material."[71] The petition goes on to assert that "until the legal question of the authority (or lack thereof) of [the Department of Energy] to sell the [depleted uranium hexafluoride] to GLE is resolved, no further action towards issuance of a license to GLE should occur."[72] The petition posits that "[a]ssuring that any transfer or sale of [depleted uranium hexafluoride] by [the Department of Energy] to any private company, including GLE, is lawful and that such a transfer or sale is not *ultra vires*, is essential in assuring a clear delineation of responsibility for the management of, and liability for any release of, the [depleted uranium hexafluoride] material and any byproduct wastes from the enrichment process."[73] The petition also asserts that "the NRC cannot issue a license nor find that the public interest is served by issuance of a license to GLE to manage depleted uranium tails that under law it is not empowered to receive by sale or otherwise from [the Department of Energy] due to [its] lack of authority to effect such transfer."[74] KRC also asserts that the "application fails to provide sufficient documentation and justification

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69 KRC Petition at 11.

70 *Id*. at 12-18.

71 *Id*. at 14.

72 *Id*. at 16.

73 *Id*.

74 *Id*. at 19-20.

under law that the [depleted uranium hexaluoride] can be lawfully sold or transferred to it from [the Department of Energy]."[75]

KRC has not demonstrated that the issue it raises is within the scope of this proceeding and is material to the findings that the NRC must make in connection with this license application.[76] In pertinent part, the Commission's hearing notice specifies that "[t]he matters of fact and law to be considered are whether the application satisfies the standards set forth in this Notice and Commission Order and the applicable standards in 10 CFR parts 30, 40, and 70, and whether the requirements of NEPA and the NRC's implementing regulations in 10 CFR part 51 have been met."[77] To the extent KRC is challenging the adequacy of the Staff's safety review, such a challenge is beyond the scope of this proceeding as defined in the Commission's hearing notice.[78] To the extent KRC is challenging the adequacy of the Staff's environmental review, it has not identified any applicable regulatory findings that would require the NRC to reach a determination regarding the Department of Energy's legal authority to sell or transfer depleted uranium hexafluoride to GLE for use as feedstock at the proposed uranium enrichment facility. Moreover, in the context of considering the matters identified by the Commission in the hearing notice, the Staff is unaware of any need or authority for the NRC to determine the Department of Energy's legal authority in that regard.

Even assuming for the sake of argument that the Department of Energy was ultimately determined (by itself or other competent authority) to lack legal authority to sell or transfer depleted uranium hexafluoride to GLE for use as feedstock at the proposed facility, an NRC

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75 KRC Petition, at 20.

76 *See* 10 C.F.R. § 2.309(f)(1)(iii)-(iv).

77 GLE Notice and Order, 91 Fed. Reg. at 11,094.

78 *See Palisades*, LBP-06-10, 63 NRC at 338, *aff'd*, CLI-06-17, 63 NRC 727 (2006); *see also AmerGen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), CLI-08-23, 68 NRC 461, 476 (2008) ("The NRC has not, and will not, litigate claims about the adequacy of the Staff's safety review in licensing adjudications").

license to construct and operate the facility would not itself violate that legal restriction on the Department of Energy's ability to engage in those commercial transactions, nor would it authorize the licensee to violate that legal restriction.[79] In other words, those hypothetical circumstances would not implicate any illegality that might cast doubt on the propriety of issuing the license. Additionally, to the extent such hypothetical circumstances might raise questions regarding the commercial viability of the proposed facility, those, too, would fall outside the scope of the matters to be considered during the NRC's licensing proceeding.[80]

Finally, to the extent KRC is alleging a deficiency in the application, it has not provided sufficient information to demonstrate that a genuine dispute exists with the applicant on a material issue of law or fact.[81] In this regard, the petition does not adequately identify any purported nexus between the issue it raises and the regulatory requirements and standards of relevance to this application.

b. Contention 2: Lack of compliance with the National Environmental Policy Act

In Contention 2, KRC identifies certain comments and concerns regarding the NRC's compliance with the National Environmental Policy Act (NEPA). First, KRC references and "[incorporates in the petition] by reference" two sets of scoping comments that were previously submitted to the NRC by KRC and another commenter.[82] These scoping comments were submitted on October 6, 2025 in response to the NRC's September 5, 2025 publication of a

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79 *Cf. Holtec International* (HI-STORE Consolidated Interim Storage Facility), CLI-20-4, 91 NRC 167, 173-76 (2020) (affirming Board's rejection of contention that a license application must be rejected because it contemplates storage contracts with the Department of Energy that would be illegal under the Nuclear Waste Policy Act (NWPA), and basing this decision in part on reasoning that the license itself would not violate the NWPA by transferring the title to the fuel, nor would it authorize the applicant or the Department of Energy to enter into the types of contracts at issue).

80 *See Louisiana Energy Services, L.P.* (National Enrichment Facility), CLI-05-28, 62 NRC 721, 726 (2005) (reiterating that the Commission is not in the business of regulating the market strategies of licensees or determining whether market strategies warrant commencing operations) (quoting *Hydro Resources, Inc.* (Rio Rancho, NM), CLI-01-4, 53 NRC 31, 48-49 (2001) (internal quotations omitted)).

81 *See* 10 C.F.R. § 2.309(f)(1)(vi).

82 KRC Petition at 21.

notice of intent to conduct a scoping process and prepare an environmental impact statement in connection with this license application.[83] KRC provides the following explanation as to why it is re-incorporating these comments in its petition:

> Since the Environmental Impact Statement ("EIS") is still in draft form, [KRC] does not seek a hearing on the adequacy of the DEIS *at this time*, but reserves these Contentions and will submit comments in response to the public notice [requesting comments on the DEIS] published at 91 *Federal Register* 14882 in order to allow the NRC to adequately address prior to the completion of the NEPA review process, those specific concerns identified in [KRC's] scoping comments and as will be further discussed in the comments to be submitted prior to the May 11, 2026 close of the public comment period on the DEIS. To the extent that the FEIS fails to broaden the scope and engage in analyses as identified in the scoping comments, requestor specifically reserves the right to be heard on those inadequacies and failures. Deferral of hearing at this juncture is intended to allow the NRC to correct any failures and to broaden the scope and analyses to include all issues identified in the scoping comments [previously submitted by KRC and the other commenter and attached to the petition] in Exhibits E and F.
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> … [KRC] specifically reserves the right to supplement this Petition for Hearing to include as new contentions, any failures of the NRC to properly include within the scope of the FEIS, and to analyze with respect to direct, indirect, and cumulative effects and with respect to reasonable alternatives, each of the issues and concerns raised by [KRC] during the comment periods on the NEPA scoping and DEIS.[84]

In addition to the foregoing discussion of scoping comments, Contention 2 also "presents and reserves an additional contention regarding the lack of compliance to date of the NRC with the requirements of [NEPA]."[85] In short, this "additional contention" consists of KRC objecting to the NRC incorporating into its draft environmental impact statement (DEIS) certain Category 1 technical analyses and findings from "a draft Generic Environmental Impact Statement (NUREG-2249)."[86] In this regard, KRC asserts that "[u]nder NEPA, an agency may

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[83] KRC Petition at 21; *Exhibit E – Comments of Kentucky Resources Council On GLE-PLEF-EIS*, at 1-2 (May 5, 2026) (ML26125A454); *Exhibit F – Comments of Will Herrick On Behalf of Kentucky Resources Council On GLE-PLEF-EIS*, at 1-2 (May 5, 2026) (ML26125A455).

[84] KRC Petition at 21-22 (emphasis in original).

[85] *Id*. at 23.

[86] *Id*. at 23-24.

not rely on a draft GEIS or a proposed rule to satisfy binding obligations for a specific licensing action" and that "tiering is permitted only to final, publicly resolved, and codified NEPA documents."[87] KRC also asserts that "[t]he reliance on a draft GEIS to sidestep site-specific analysis for 34 issues, even though the GEIS has not been finalized or codified, and by its very nature fails to account for the unique seismic and other conditions of the proposed facility and surrounding properties, is unlawful."[88] KRC argues that "without a permissible source for and site-specific analysis to support the 34 issues, the Commission lacks the information necessary to make a reasoned decision" and that "[t]his omission is material to the adequacy of the environmental review and fatal to NEPA compliance."[89] KRC ends its discussion of this issue by explaining that "[t]his contention challenges the procedural adequacy of the DEIS under NEPA and is raised to preserve the issue to the extent that the agency does not reverse course, cease reliance on the draft GEIS, and conduct the requisite site-specific analysis."[90]

Finally, with regard to both of the issues raised in Contention 2 (*i.e.*, prior scoping comments, and draft GEIS), KRC concludes by asserting that the organization "specifically reserves the right to file new and amended environmental contentions, and to reassert and modify the above-noted contentions, after today's deadline when the final EIS and record of decision are published."[91]

As a threshold matter, KRC's explanations of this "contention" clearly establish that the organization is not actually requesting a hearing at this time and that the issues it is raising regarding NEPA compliance do not constitute contentions that it is currently seeking to have admitted for adjudication. Accordingly, the Board should treat Contention 2 as precisely what

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87 KRC Petition at 23.

88 *Id*. at 23-24.

89 *Id*. at 24.

90 *Id*.

91 KRC Petition at 24.

KRC has clearly explained it is: a notification that KRC has identified what it believes are deficiencies with the NRC's NEPA process to date and has decided that at this time it would like to proceed by continuing to use the mechanisms of the NEPA process *(i.e.*, commenting as a member of the public), rather than the hearing process, to raise and seek satisfactory resolution of those concerns.

KRC's assertions of a future right to a hearing on the matters raised in "Contention 2" indicate that the organization may have elected this approach based in part on a mistaken assessment that it can simultaneously preserve the right to later request a hearing on these same issues if they are not resolved to its satisfaction in the NRC's final environmental impact statement. However, as the Commission has explained, a contention must be filed at its earliest opportunity, and therefore a petitioner who waits until the issuance of a final document to raise a contention risks the possibility that there will not be a material difference between the draft and final documents.[92] In other words, NRC regulations do not contemplate or permit the "contention preservation" approach that KRC effectively attempts to fashion: holding off on requesting a hearing on currently-known matters, while also avoiding the need to satisfy late-filed contention standards down the line if those matters are not ultimately resolved to the would-be petitioner's satisfaction through other mechanisms. Consequently, KRC did not have the option to forego timely requesting a hearing regarding alleged deficiencies that are apparent on the face of the NRC's DEIS while also preserving the right to later request a hearing on those same matters if they carry through to the final environmental impact statement.

For the foregoing reasons, "Contention 2" does not actually constitute a request for a hearing on the matters that it raises regarding prior scoping comments or the NRC's use of a

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[92] *Crow Butte Resources, Inc.* (Marsland Expansion Area), CLI-20-1, 91 NRC 79, 97-98 (2020) (affirming Board ruling that late-filed contentions on a final environmental assessment were untimely because the information in the final environmental assessment upon which each contention was based was not materially different from that available in the draft environmental assessment).

draft GEIS. Accordingly, those matters do not constitute contentions that could be admitted, and the Board should determine that this contention is inadmissible on that basis.

In the alternative, the Staff notes that there are other reasons why matters raised in Contention 2 are inadmissible. Most notably, the petition's wholesale incorporation by reference of two sets of prior scoping comments does not satisfy the Commission's contention admissibility criteria. KRC has not identified which of those comments remain relevant after the DEIS was issued, nor has it reformulated any remaining concerns as contentions that satisfy the admissibility criteria at 10 C.F.R. § 2.309(f). Consequently, KRC has adopted a legally unavailing approach of incorporating prior scoping comments which, on their own, do not supply the information necessary to demonstrate the existence of genuine and material disputes that are appropriate for adjudication and, hence, admissible.[93] Additionally, KRC's contention that "[t]he NRC staff cannot lawfully fulfill its NEPA obligations by relying on a draft [GEIS] that has not undergone final public resolution or codification"[94] is moot because the GEIS in question was finalized and its generic findings were codified on April 24, 2026.[95]

c. Contention 3: Incorporation by reference of the contentions set forth in the petition submitted by Michael McVicker

In addition to the matters previously discussed, Contention 2 also asserts that KRC's petition "incorporates by reference … Contentions 1 through 6 presented in the *Petition for Leave to Intervene and Request for Hearing* filed in this Docket by Petitioner Michael McVicker (ML26122A001)."[96] This assertion has been restyled as "Contention 3."

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93 *Cf. American Centrifuge Plant*, CLI-06-10, 63 NRC at 457 ("it is not up to the boards to search through pleadings or other materials to uncover arguments and support never advanced by the petitioners themselves").

94 KRC Petition at 24.

95 Generic Environmental Impact Statement for Licensing of New Nuclear Reactors, 91 Fed. Reg. 22,394 (April 24, 2026).

96 KRC Petition at 22-23.

The Commission has held that a petitioner must be admitted to a proceeding as a party, by demonstrating standing and submitting at least one admissible contention of its own, before it may be permitted to adopt another party's contention.[97]

As explained previously, KRC has not established standing and has not submitted at least one admissible contention of its own. Consequently, it cannot adopt other petitioners' contentions by reference. Furthermore, the contentions that KRC seeks to incorporate by reference are inadmissible in their own right, as explained below.

2. Michael McVicker

For the reasons explained below, Mr. McVicker has not proposed any admissible contentions.

a. Contention 1: Novel risks and regulatory framework.

In Contention 1, the Petitioner asserts that the license application "fails to adequately address the unique safety profiles of the [proposed laser enrichment facility], relying inappropriately on broad regulatory flexibilities that circumvent necessary upstream scrutiny."[98] The Petitioner then asserts that laser enrichment presents novel, first-of-a-kind risks that differ significantly from gas centrifuge and gaseous diffusion methods, and that the "current regulatory approach—particularly the downstream regulatory flexibility permitted under the Part 53 framework—is insufficient for addressing these unique high-energy and chemical reaction hazards."[99] The Petitioner concludes with an assertion that "[a] comprehensive, site-specific Integrated Safety Analysis is required before any approvals are granted, rather than deferring critical safety evaluations to later stages of the regulatory process."[100]

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97 *Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-20-12, 92 NRC 351, 366 (2020).

98 McVicker Petition at 1.

99 *Id*.

100 *Id*.

Contention 1 is inadmissible in its entirety. The Petitioner's stated concern that the license application fails to adequately address the unique safety profiles of laser enrichment technology does not provide the specificity or the supporting information that are required by the Commission's contention admissibility criteria.[101] For example, the Petitioner offers no information regarding which aspects of the license application are believed to be inadequate and which regulatory requirements are implicated, details that would need to be provided to show that a genuine dispute exists with the applicant on a material issue of law or fact.[102] The Commission has emphasized that "contentions shall not be admitted if at the *outset* they are not described with reasonable specificity or are not supported by some alleged fact or facts *demonstrating* a genuine material dispute" with the applicant.[103] A vague and general assertion regarding the inadequacy of application documents, without more, is not suitable for adjudication and is not admissible.

Separately, the Petitioner's concern regarding the "current regulatory approach" being insufficient to address the unique hazards of laser enrichment technology raises an issue—sufficiency of the Commission's regulations—that is beyond the scope of this proceeding as defined in the Commission's hearing notice.[104] Additionally, to the extent the Petitioner is challenging specific regulations, such a challenge is not permitted in licensing proceedings except in certain circumstances that are not present here.[105] Here, the Petitioner has not requested or received a waiver or exception as contemplated by 10 C.F.R. § 2.335(b).

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[101] *See* 10 C.F.R. § 2.309(f)(1) .

[102] *See* 10 C.F.R. § 2.309(f)(1)(vi).

[103] *Seabrook*, CLI-12-5, 75 NRC at 307 (quoting *Oconee*, CLI-99-11, 49 NRC at 335).

[104] *See* 10 C.F.R. § 2.309(f)(1)(iii).

[105] *See* 10 C.F.R. § 2.335(a).

Accordingly, any concern regarding specific regulations is barred and beyond the scope of this proceeding.[106]

Finally, the Petitioner's stated concern that a "comprehensive, site-specific Integrated Safety Analysis is required before any approvals are granted" is also inadmissible. To the extent the Petitioner is challenging the regulatory framework that he believes is applicable to this licensing action, such a challenge is beyond the scope of the proceeding. To the extent the Petitioner is asserting some deficiency regarding the application's compliance with regulatory requirements regarding integrated safety analyses, the assertion fails to provide sufficient information (*e.g.*, regarding how the application falls short in this regard) to show that a genuine dispute exists with the applicant on a material issue of law or fact.[107]

b. Contention 2: Inadequate seismic baseline and premature safety analysis

In Contention 2, the Petitioner asserts that the applicant's safety analysis report and the NRC's draft EIS "fail to provide an accurate, site-specific design basis for the Paducah site, thereby violating 10 CFR Part 70 requirements regarding facility design and natural phenomena hazards."[108] The Petitioner asserts that the proposed facility is located within a "zone of extreme seismic hazard" and that the license application "relies on generalized, legacy Probabilistic Seismic Hazard Analysis (PSHA) data that researchers have already identified as mathematically flawed."[109] The Petitioner explains that the precise peak ground acceleration for the Paducah site is the subject of an active seismic characterization study that is currently being conducted by the University of Kentucky, and he then asserts that because this ongoing study is incomplete, "the applicant's calculations regarding the structural integrity of vibration-sensitive

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[106] *See Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-15-21, 82 NRC 295, 302 ("Contentions that challenge an agency rule or regulation without a waiver, in addition to being expressly prohibited by 10 C.F.R. § 2.335(a), are outside the scope of the proceeding").

[107] *See* 10 C.F.R. § 2.309(f)(1)(vi).

[108] McVicker Petition at 1.

[109] *Id*. at 1-2.

SILEX optical arrays and high-pressure uranium hexafluoride (UF6) containment are scientifically speculative."[110] The Petitioner concludes this contention by asserting that "[a] genuine dispute exists because [uranium hexafluoride] reacts violently with atmospheric moisture to rapidly produce acutely toxic hydrogen fluoride (HF) gas, making an accurate, finalized seismic design basis an absolute necessity."[111]

With regard to the asserted deficiencies in the applicant's safety submittals, Contention 2 is inadmissible because the Petitioner has not provided sufficient information to satisfy his obligations under 10 C.F.R. § 2.309(f)(1)(v)-(vi) and show that a genuine dispute exists with the applicant on a material issue of law or fact. Most notably, the Petitioner has not identified sufficient factual support for key assertions forming the basis for his allegations of deficiencies in the application documents.[112] The Petitioner asserts that the application relies on "generalized, legacy Probabilistic Seismic Hazard Analysis (PSHA) data that researchers have already identified as mathematically flawed,"[113] but he does not identify specific portions of the application at issue, and he does not identify the research that forms the basis for this assertion. Similarly, the Petitioner asserts that certain of the "applicant's calculations … are scientifically speculative,"[114] but he effectively offers no support for this assertion, given that the cited basis for the statement (that an ongoing seismic characterization study is currently "incomplete") does not actually constitute support for that claim.

Contention 2 is also inadmissible with regard to the asserted deficiencies in the NRC's draft environmental impact statement (DEIS). On that front, the Petitioner has not demonstrated that the issue raised is material to the findings the NRC must make under the National

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[110] McVicker Petition at 2.

[111] *Id*.

[112] *See* 10 C.F.R. § 2.309(f)(1)(v).

[113] McVicker Petition at 2.

[114] *Id*.

Environmental Policy Act (NEPA) and 10 C.F.R. part 51.[115] The Petitioner asserts that the NRC's DEIS improperly fails to "provide an accurate, site-specific seismic design basis for the Paducah site, thereby violating 10 CFR Part 70 requirements regarding facility design and natural phenomena hazards."[116] However, the Petitioner does not attempt to explain why regulatory requirements in 10 C.F.R. part 70 regarding facility design and natural phenomena hazards would be relevant and require the NRC to "provide [a] … site-specific seismic design basis for the Paducah site" in the staff's environmental impact statement. Given the Petitioner's failure to identify any nexus between the alleged deficiency and the relevant findings the NRC must make under NEPA or 10 C.F.R. part 51, this contention does not satisfy the Commission's criteria for admissibility.[117]

c. Contention 3: Egregious omission of General Matter from cumulative impacts analysis

In Contention 3, the Petitioner asserts that the NRC's DEIS "violates [NEPA] and 40 C.F.R. § 1508.7 by entirely failing to analyze the synergistic environmental, logistical, and safety impacts of the directly adjacent General Matter uranium enrichment facility."[118] The Petitioner asserts that General Matter "unambiguously represents a 'reasonably foreseeable future action' as the company has signed a lease with the [Department of Energy] for a 100-acre parcel directly adjacent to the GLE site to construct a $1.5 billion commercial High-Assay Low-Enriched Uranium (HALEU) facility."[119] The Petitioner goes on to assert that General Matter is heavily capitalized and initiated physical site clearing in early 2026, targeting full operations by 2034.[120] The contention culminates in an assertion that "[t]he [DEIS] fatally omits the cumulative

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115 *See* 10 C.F.R. § 2.309(f)(1)(iv).

116 McVicker Petition at 1.

117 *See* 10 C.F.R. § 2.309(f)(1)(iv).

118 McVicker Petition at 2.

119 *Id*.

120 *Id*.

strain of two simultaneous, multi-billion dollar industrial nuclear facilities on regional electrical grids, cooling water extraction, and shared legacy [depleted uranium hexafluoride] cylinder logistics."[121]

As a threshold matter, the Petitioner's assertions that the DEIS fails to analyze "logistical" and "safety" impacts (in addition to "environmental" impacts) are inadmissible because the Petitioner has not demonstrated that the issues raised are material to the findings the NRC must make under the National Environmental Policy Act (NEPA) and 10 C.F.R. part 51. The Petitioner does not identify any legal or factual basis or support for the assertion that the DEIS must analyze anything other than environmental impacts. Consequently, this aspect of the contention is inadmissible.[122]

The remainder of Contention 3 is based on the inaccurate legal premise that the NRC's DEIS must evaluate cumulative impacts as that term was defined in the former regulations of the Council on Environmental Quality (CEQ).[123] Based on the Petitioner's citation to that legacy regulation, as well as his utilization of the "reasonably foreseeable future action" language that it employed, the Staff interprets this aspect of the contention as effectively asserting that the DEIS is violating a legal requirement to evaluate cumulative impacts as that term was defined in 40 C.F.R. § 1508.7 (*i.e.*, "impact[s] on the environment which result[] from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions"). Under this interpretation of the contention, the Petitioner is effectively asserting that the nascent General Matter project on adjacent land qualifies as a "reasonably foreseeable future action"

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[121] McVicker Petition at 2.

[122] *See* 10 C.F.R. § 2.309(f)(1)(iv)-(v).

[123] *See* 40 C.F.R. § 1508.7 (2016) (Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions).

within the meaning of that legal requirement, triggering an obligation for the DEIS to analyze "synergistic" environmental impacts of both potential facilities.

Given that the Petitioner's assertions regarding cumulative impacts analysis are based on legacy CEQ regulations that no longer exist,[124] and given also that the DEIS is not subject to any requirement within 10 C.F.R. part 51 to conduct a cumulative effects analysis,[125] the Petitioner has not demonstrated that the issue raised—failure to conduct a "cumulative impacts" analysis that encompasses and accounts for the General Matter project in certain respects—is material to the findings the NRC must make under NEPA and 10 C.F.R. part 51 in connection with this GLE license application.[126]

Additionally, the Staff does not think that it can reasonably construe this contention as asserting a related but substantively different type of deficiency: that the DEIS' asserted failure to analyze the cited "synergistic" environmental impacts of the two potential projects violates the current statutory requirement in NEPA (as amended and interpreted in recent years) to analyze the "reasonably foreseeable environmental effects of the proposed agency action."[127] That assertion would amount to a substantively distinguishable contention, particularly given that it would not involve any explicit legal requirement to evaluate "cumulative impacts" and would be based on a statutory requirement that is explicitly limited to the "effects of the proposed agency action" and has recently been the subject of prominent judicial interpretation emphasizing

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[124] *See, e.g.,* Council on Environmental Quality, Removal of National Environmental Policy Act Implementing Regulations, 91 Fed. Reg. 618 (Jan. 8, 2026) (adopting as final, without changes, the prior interim final rule removing all iterations of CEQ's NEPA-implementing regulations from the Code of Federal Regulations).

[125] *See* "Environmental Impact Statement for the Global Laser Enrichment, LLC License Application for the Paducah Laser Enrichment Facility: Draft Report for Comment" (March 2026), at B-8 (ML26061A085) (explaining that the DEIS is not subject to the requirement at 10 C.F.R. § 51.71(d) to analyze "cumulative effects," because the Staff determined that a specific exemption from that requirement was warranted pursuant to 10 C.F.R. § 51.6).

[126] *See* 10 C.F.R. § 2.309(f)(1)(iv).

[127] 42 U.S.C. § 4332(2)(C)(i).

limitations on agencies' obligations to consider the effects of separate projects.[128] In other words, the mere fact that the contention references NEPA is insufficient to reasonably construe the contention as also asserting that the DEIS' claimed failure to analyze the cited "synergistic" environmental impacts of the two potential projects violates the current statutory requirement in NEPA to analyze the "reasonably foreseeable environmental effects of the proposed agency action."

d. Contention 4: Failure to model hydrogeological mobilization of legacy plumes

In Contention 4, the Petitioner asserts that the NRC's environmental review "fails to adequately characterize the impact of concurrent, massive site construction on the subterranean legacy contamination at the Paducah Gaseous Diffusion Plant (PGDP) site."[129] The Petitioner states that this legacy contamination consists of "historical groundwater plumes heavily contaminated with trichloroethylene (TCE) and the radioactive isotope technetium-99."[130] The contention goes on to assert that "[t]he extensive excavation, heavy soil compaction, and continuous foundation dewatering required for the 322-acre GLE site, coupled precisely with the simultaneous construction of the neighboring 100-acre General Matter facility, will drastically alter local hydrogeological flow vectors."[131] The Petitioner concludes this contention by asserting that the "Draft EIS lacks the dynamic 3D groundwater modeling required to prove these altered gradients will not mobilize existing legacy plumes into previously uncontaminated municipal water supplies or surface aquatic systems connected to the Ohio River."[132]

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[128] *See Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. 168, 186–87 (2025) (explaining that the textually mandated focus of NEPA is "the project at hand—not other future or geographically separate projects that may be built (or expanded) as a result of or in the wake of the immediate project under consideration").

[129] McVicker Petition at 2.

[130] *Id*. at 3.

[131] *Id*.

[132] *Id*.

Contention 4 is inadmissible because the Petitioner has not provided references to any of the specific sources and documents on which he intends to rely to support his assertion that the NRC's environmental review is deficient in the area of analyzing impacts on the "subterranean legacy contamination" at the Paducah Gaseous Diffusion Plant site.[133] The Petitioner has not provided references to any authorities or factual sources upon which he intends to rely to support the specific assertions that form the basis for the contention, including, for example, that the simultaneous construction of both projects will "drastically alter local hydrogeological flow vectors."[134]

This contention is also inadmissible because the Petitioner has not demonstrated that the issue raised in the contention is material to the findings the NRC must make in connection with its environmental review of the license application.[135] In this regard, the contention does not reference any legal requirements that the NRC's environmental review is purportedly failing to satisfy. Moreover, the Petitioner has not explained or provided any basis for the assertion that the environmental review must "prove" that altered groundwater gradients will not mobilize existing legacy plumes in the manner referenced in the contention, nor that such proof would need to be based on groundwater modeling that encompasses the effects of an adjacent project.

e. Contention 5: Deficient emergency response and severe accident mitigation

In Contention 5, the Petitioner asserts that "[t]he GLE Emergency Plan and Severe Accident Mitigation Alternatives (SAMA) analysis fail to account for dual-facility catastrophic scenarios and the degradation of offsite infrastructure, violating the protective measures required under 10 CFR Part 50 and Part 70."[136] The Petitioner asserts that "[t]he Safety Analysis

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[133] *See* 10 C.F.R. § 2.309(f)(1)(v).

[134] McVicker Petition at 3.

[135] *See* 10 C.F.R. § 2.309(f)(1)(iv).

[136] McVicker Petition at 3.

Report assesses local emergency response capabilities in an unrealistic vacuum, completely failing to account for the overlapping physical and chemical presence of the General Matter facility."[137] The contention goes on to assert that "[i]n the event of a severe NMSZ earthquake, simultaneous [uranium hexafluoride] containment breaches at both facilities would create a catastrophic 'Beyond Design Basis' accident" and that local emergency responders "would be forced to navigate overlapping, highly toxic, ground-hugging HF gas plumes while simultaneously attempting to address high-level, imminent criticality risks at the General Matter site."[138] The contention concludes by asserting that "[t]he applicant's failure to model SAMA cost-benefit analyses and emergency evacuation logistics under a dual-facility failure scenario—especially when critical regional bridges and evacuation routes may be structurally compromised—constitutes a material omission regarding public health and safety."[139]

Contention 5 is inadmissible because the Petitioner has not provided sufficient information to satisfy his obligations under 10 C.F.R. § 2.309(f)(1)(v)-(vi) and show that a genuine dispute exists with the applicant on a material issue of law or fact. The contention does not identify which legal requirements in 10 C.F.R. part 70 are relevant, and it refers to other legal requirements (*i.e.*, 10 C.F.R. part 50) which are not relevant to the sufficiency of the applicant's emergency plan or other application documents. The contention also makes a series of assertions, regarding the General Matter project, the effects of earthquakes, and more, without providing references to the specific sources and documents on which the Petitioner intends to rely to support his position in those regards. Additionally, the Petitioner's discussion of "Severe Accident Mitigation Alternatives" analysis, a term that has been used in the context of environmental reviews of nuclear power reactors, casts further doubt on the nature of the dispute that he is raising regarding the application documents and whether it pertains to a

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[137] McVicker Petition at 3.

[138] *Id*.

[139] *Id*.

material issue of law or fact. For the foregoing reasons, this contention does not provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.

Contention 6: Oversight and transparency contention

In Contention 6, the Petitioner asserts that "[c]urrent federal staffing shortages and a lack of structured independent oversight severely compromise the safe deployment and regulation of this facility."[140] The Petitioner elaborates on this point by asserting that the "highly technical and proprietary nature of laser enrichment requires rigorous, specialized oversight" and, therefore, "[g]iven known federal staffing shortages within regulatory bodies, there is insufficient evidence that the NRC can maintain the continuous, independent monitoring required for a novel commercial facility of this scale."[141] The Petitioner concludes by expressing his view that "[t]he community requires a formal adjudicatory hearing to ensure total transparency and to cross-examine safety claims, ensuring that critical regulatory oversight is not diminished or expedited without public consensus."[142]

Contention 6 is inadmissible because it raises general personnel and process concerns that are beyond the scope of this licensing proceeding.[143]

CONCLUSION

For the reasons explained above, neither Petitioner has demonstrated that it has standing under the provisions of 10 C.F.R. § 2.309(d), and neither Petitioner has proposed an admissible contention that meets the requirements of 10 C.F.R. § 2.309(f). Accordingly, the Board should deny both petitions.

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[140] McVicker Petition at 3.

[141] *Id*. at 3-4.

[142] *Id*. at 4.

[143] *See* 10 C.F.R. § 2.309(f)(1)(iii).

Respectfully submitted,

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Dated June 1, 2026

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of GLOBAL LASER ENRICHMENT, LLC (Paducah Laser Enrichment Facility)	Docket No. 70-7033-ML June 1, 2026

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that, on this date, copies of the foregoing "NRC Staff's Consolidated Answers to Hearing Requests Submitted by Kentucky Resources Council, Inc. and Michael McVicker" have been filed through the Electronic Information Exchange (the NRC's E-Filing System) in the above-captioned matter.

/Signed (electronically) by/
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Dated June 1, 2026