

November 12, 2003

MEMORANDUM TO: Joseph G. Giitter, Chief
Special Projects and Inspection Branch
Division of Fuel Cycle Safety
and Safeguards

THRU: Brian W. Smith, Chief /RA/
Special Projects Section
Special Projects and Inspection Branch, FCSS

FROM: Timothy C. Johnson /RA/
Senior Mechanical Systems Engineer
Special Projects Section
Special Projects and Inspection Branch, FCSS

SUBJECT: NOVEMBER 4, 2003, MEETING SUMMARY: PUBLIC MEETING ON
THE LOUISIANA ENERGY SERVICES PROPOSED ENRICHMENT
PLANT IN EUNICE, NEW MEXICO

On November 4, 2003, U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting to discuss the NRC licensing process applicable to the Louisiana Energy Services (LES) gas centrifuge enrichment plant proposed to be located in Eunice, New Mexico. I am attaching the meeting summary for your use. This summary contains no proprietary or classified information.

Docket: 70-3103

Attachment: Louisiana Energy Services
Meeting Summary

cc:	William Szymanski/DOE	Claydean Claiborne/Jal
	Rod Krich/Exelon	Bobby Walloch/Hobbs
	James Curtiss/W&S	Troy Harris/Lovington
	Mario Robles/USEC	Betty Richman/Tatum
	James Ferland/LES	Glen Hackler/Andrews
	Dennis Holmberg/Lea County	William Floyd/New Mexico
	James Brown/Eunice	Richard Ratliff/Texas
	Michael Marriotte/NIRS	Jerry Clift/Hartsville

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DISTRIBUTION: Docket: 70-3103

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NAME	TCJohnson:dw		LGross		BSmith	
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Summary of Public Meeting on
Louisiana Energy Services Enrichment Plant

Dates: November 4, 2003

Place: Eunice, New Mexico

Attendees: C. Cameron/NRC
T. Combs/NRC
S. Flanders/NRC
T. Harris/NRC
J. Henson/NRC
T. Johnson/NRC
B. Smith/NRC
Approximately 250 members of the public

Purpose:

The purpose of this meeting was to discuss the U.S. Nuclear Regulatory Commission (NRC) licensing process, the environmental impact statement (EIS) preparation process, and the inspection program applicable to the Louisiana Energy Services (LES) gas centrifuge enrichment plant proposed to be located in Eunice, New Mexico.

Discussion:

Mr. Cameron began the meeting by discussing the meeting objectives and the agenda. Following short presentations by NRC staff, staff would respond to questions from the public. Mr. Johnson began the presentations with a discussion of the NRC licensing process (see Attachment 1). He discussed the proposed LES project that would use gas centrifuge technology to enrich uranium to levels of 3 to 5 percent U-235, enrichment levels needed for fabrication of fuel for nuclear power plants. He also discussed the nuclear fuel cycle that includes mining, milling, conversion to uranium hexafluoride, enrichment, fuel fabrication, and use in nuclear power plants.

Mr. Johnson indicated that NRC is an independent Federal agency reporting to Congress and not the Executive Branch. It has no authority over Department of Energy (DOE) activities, except for a few cases specifically established by law. For example, NRC has no oversight jurisdiction over the Waste Isolation Pilot Project in Carlsbad, NM, or activities at Los Alamos, NM.

Mr. Johnson explained that LES must demonstrate it can meet the NRC safety requirements before it would be issued a license. He also stated that the NRC licensing process would produce two key documents from its review -- a Safety Evaluation Report (SER) and an EIS. In the SER, NRC would evaluate worker and public safety under routine and accident conditions for the proposed LES operations. This technical review would take about 18 to 20 months to complete. In the EIS, NRC would discuss radiological impacts from the proposed action as well as non-radiological impacts, such as socio-economic impacts, water resource impacts including water use, and cultural resource impacts. He explained that in preparation of the EIS, there would be two public meetings held near the proposed site where members of the public can provide input into the licensing process. The first meeting would be the EIS Scoping Meeting

that is intended to solicit public input on areas that need to be considered in developing the EIS. The second meeting would take comments on the draft EIS that would be prepared based on the EIS scoping process. The EIS scoping meeting would take place two to three months after receipt of the LES license application, which is scheduled to be submitted to the NRC in December 2003.

Mr. Johnson also explained that shortly after docketing the LES application, NRC will offer an opportunity for members of the public to petition for a hearing. This is a formal adjudicatory hearing before three administrative law judges. To be admitted to the hearing, petitioners would have to demonstrate standing, that is, they have a specific interest in the proposed activity, and present admissible contentions that are relevant to the proceeding. Rules for standing and admissible contentions are contained in NRC regulations in 10 CFR Part 2, Subpart G.

Mr. Johnson stated that the licensing process is an open process with all documents and meetings, except for those involving classified and proprietary information, available to the public on NRC's document system and LES project web site. He stated that NRC would have some of its technical meetings with LES in the Eunice area so that the public could observe some of the technical exchanges. He provided project website access information.

Mr. Harris then explained the purpose for preparing an EIS, and that it is a planning and decision-making tool for comparing the environmental impacts of alternatives to the proposed action. He stated that the EIS would address radiological, non-radiological, water use, ecological, and socio-economic impacts of the project.

Mr. Harris then discussed the EIS preparation process, including project scoping, requests for additional information, preparation of a draft EIS, consideration of public comments on the draft EIS, and preparation of a final EIS. He indicated that public meetings would be held in the Eunice area during the scoping and draft EIS comment phases.

Mr. Henson, from NRC's Region II office, provided a discussion on NRC's inspection program. He stated that the inspection program goal is to ensure that a licensee meets NRC regulations and its commitments in its license. The inspection program would focus on worker and public safety, the environment, and national security. He said that NRC inspectors would observe both construction and operational activities. During the construction phase, inspectors would evaluate the construction program to ensure that the facility is built to meet licensee commitments made in its application. During operations, inspections would be conducted in the areas of radiological and chemical safety, safeguards, criticality safety, transportation, waste management, maintenance, training, and quality assurance.

Mr. Johnson concluded the presentations by providing NRC contact information for the project.

Mr. Cameron then moderated the question and answer session. One member of the public asked if there would be an email distribution list. Mr. Johnson indicated that an email distribution list is being set up for project announcements and to notify individuals of upcoming meetings and milestones. Another member of the public suggested that NRC place project documents in local libraries. Mr. Johnson indicated that this could be accomplished. A representative of the local Hispanic labor council requested that some of the documents be translated into Spanish. NRC staff indicated it would evaluate this suggestion. Another member of the public indicated that the county school system has a video-conferencing system

that could be used for NRC technical meetings. Mr. Johnson indicated that he would try to determine the compatibility of this system with the one used at NRC.

One member of the public submitted a list of concerns (see Attachment 2) related to foreign ownership of the plant; terrorism; safety problems at the Urenco plant in Almelo, The Netherlands; the hazards of plutonium; and the need for gas masks and radiation protection suits to be distributed in everyone in Lea County.

Mr. Johnson provided additional information on the terrorism issue, indicating that NRC has a large effort underway to consider additional physical protection requirements and coordinate with the Department of Homeland Security to ensure that Federal assets including airspace security and national defense are coordinated with licensee physical protection requirements. He explained that the Commission recently concluded that because terrorist events, like the September 11 attacks, are very low probability events that would be difficult to evaluate. He added that the EIS is required to address "foreseeable impacts" and that the Commission concluded that September-11-type events are not "foreseeable."

Mr. Johnson also explained the plutonium and neptunium are not expected to be a significant part of the LES source term, and that concerns over exposures to these materials result principally from activities conducted at the Paducah site that did not involve enrichment activities.

In addition, Mr. Johnson indicated that the Urenco plant in Almelo has a good safety record and releases have been within the limits established by The Netherlands. He stated that he and several NRC staff visited the Urenco plants in Almelo and Capenhurst, and considered the plants to be well run. He said that NRC staff is unaware of any health effects in the local populations surrounding the Urenco facilities.

Throughout the question and answer session, the members of the public attending the meeting showed overwhelming support for the project. Individuals speaking positively for the enrichment plant included individual citizens, local elected officials, and public school and local college officials. These people indicated their desire for timely processing of the LES application. Several individuals noted that people in the area are very familiar with the risks involved in oil and gas operational hazards and look at the LES project as an important new economic development. A representative of the Lea County Economic Development Corporation provided an open letter to NRC from several New Mexico State Senators and Congressmen stating their strong support for the project (see Attachment 3). Representatives of U.S. Congressman Pearce and Senator Bingaman also indicated strong support for the project.

Action Items:

1. Establish email distribution list
2. Check on making documents available in public libraries
3. Check on video-conferencing compatibilities
4. Check on translation of project documents

Attachments:

1. NRC presentation handout
2. L. Cheney concerns
3. Open letter from elected representatives