

April 29, 2004 (12:38PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONOFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFFBEFORE THE ATOMIC SAFETY AND LICENSING BOARDIn the Matter of )  
)  
)LOUISIANA ENERGY SERVICES, L.P. )  
)  
)(National Enrichment Facility) )  
)  
)

Docket No. 70-3103

NMED'S SUPPLEMENT TO ITS PETITION FOR LEAVE TO INTERVENE

In its April 15, 2004 Order, the Atomic Safety and Licensing Board (Board) requested that the New Mexico Environment Department (NMED) and the New Mexico Attorney General (Attorney General) supplement their petitions for intervention to assign already-specified contentions separate alpha or numeric designations under the categories of Technical, Environmental or Miscellaneous. NMED hereby sets forth the following designations for the contentions raised in its petition to intervene in this matter:

NMED designates its contention 5a (regarding proposed storage of waste at the facility of up to thirty years and the need for an expedited disposition path) in the Technical and Environmental categories. This dual designation is appropriate in that NMED's contention 5a concerns issues in the Louisiana Energy Service, L.P. (LES) Application's Safety Analysis Report and Environmental Report. See Safety Analysis Report (SAR) vol. 2, 3.3.1.6.1 and vol. 5, 10.3; Environmental Report (ER) vol. 2, 4.13.3.1. NMED contention 5a is hereby designated 5a(Technical, Environmental).

NMED designates its contention 5b (regarding the allowance of LES to determine at a later time if the uranium hexafluoride or uranium oxide generated at the proposed facility is a

resource material or waste) in the Environmental category. This designation is appropriate in that NMED's contention 5b concerns this issue as raised in the LES Application's Environmental Report. *See* ER vol. 2, 4.13.3.1.3. NMED contention 5b is hereby designated 5b(Environmental).

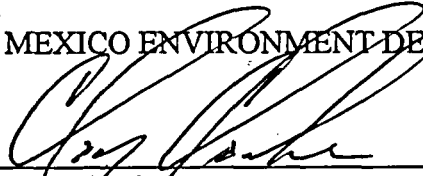
NMED designates its contention 5c (regarding inadequate financial assurance) in the Technical and Environmental categories. This dual designation is appropriate in that NMED's contention 5c concerns issues in the LES Application's Safety Analysis Report and Environmental Report. *See* SAR vol. 5, 10.3; Environmental Report (ER) vol. 2, 4.13.3.1.6. NMED contention 5c is hereby designated 5c(Technical, Environmental).

NMED designates its contention 5d (regarding the lack of information regarding the economic viability of the proposed facility) in the Miscellaneous category. The LES Application does not address this issue. Because neither the Safety Analysis Report nor the Environmental Report include specific reference to this issue, the Miscellaneous designation is appropriate pursuant the Board's order requesting designation. NMED contention 5d is included in its petition to intervene to underscore the need for adequate financial assurance at the proposed facility. NMED contention 5d is hereby designated 5d(Miscellaneous).

NMED designates its contention 5e (regarding failure to establish an adequate radiation protection program) in the Technical and Environmental categories. This dual designation is appropriate in that NMED's contention 5e concerns issues in the LES Application's Safety Analysis Report and Environmental Report. *See* SAR vol. 4, 4.6, 4.7, 4.8, 4.10, 6.0 and ER vol. 2, 4.12 and vol. 3, 6.0. NMED contention 5e is hereby designated 5e(Environmental, Technical).

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT



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Certificate of Service

I hereby certify that a copy of the foregoing pleading was served by mail and, as indicated by an asterisk (\*), by electronic mail on this 23<sup>rd</sup> day of April, 2004.

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