



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 24, 2004

DOCKETED
USNRC

SECRETARY

DOCKET NUMBER ☐
PROD. & UTIL. FAC. 70-3103-ML

May 24, 2004 (3:35PM)

RAS 7820 ☐
RAS 7821

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

The Honorable Bill Richardson
Governor
State of New Mexico
Sante Fe, New Mexico 87501

SERVED June 2, 2004

Dear Governor Richardson:

I am responding to your letter dated May 11, 2004, addressed to Chairman Nils J. Diaz regarding the license application of Louisiana Energy Services, L.P. (LES) to construct and operate a National Enrichment Facility in Lea County, New Mexico. In your letter you note that the State of New Mexico has a strong interest in the operation of the proposed facility and that the State, through the New Mexico Environment Department (NMED), has filed a petition to intervene. You request that the State have an opportunity to participate fully in this proceeding.

The Commission has referred NMED's petition to the NRC's Atomic Safety and Licensing Board for their consideration (attached is the April 1, 2004 referral memorandum). On April 15, 2004, the Chairman of the Licensing Board appointed a panel of Administrative Judges to consider the petition. Under NRC procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards or presiding officers. For LES, the Commission also rules on standing and certain contentions. Because of these roles, I trust that you will understand that the Commissioners must remain impartial during the pendency of a case, whether it is before a presiding officer, Licensing Board Panel, or on appeal to the Commission. Therefore, it would be inappropriate for Chairman Diaz or other Commissioners to discuss or comment on aspects of the proceeding before the Licensing Board.

A copy of your letter and this response will be served on the participants in the Louisiana Energy Services, L.P. proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook

Attachment: As stated



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

April 1, 2004

April 1, 2004 (4:00PM)

SECRETARY

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

MEMORANDUM TO: G. Paul Bollwerk, III
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

FROM: *(A.L. Vietti)*
Annette L. Vietti-Cook Secretary

SUBJECT: REQUEST FOR HEARING ON THE
LICENSE APPLICATION OF LOUISIANA
ENERGY SERVICES, L.P.

Attached is a request for hearing and petition to intervene, dated March 23, 2004, and submitted by the New Mexico Environment Department. The petition was submitted in response to the issuance of CLI-04-03, dated January 30, 2004, and published in the Federal Register at 69 Fed. Reg. 5873 (February 6, 2004). The Nuclear Regulatory Commission in CLI-04-03 acknowledged receipt of an application by Louisiana Energy Services, L.P. (Docket Number 70-3103) "for a license to possess and use source, byproduct, and special nuclear material and to enrich natural uranium to a maximum of 5 percent U-235 by the gas centrifuge process." CLI-04-03 at 1, 69 Fed. Reg. 5873.

Considering that the petition does not raise issues of standing or environmental justice (see CLI-04-03, Sec. II.H. and III.A, 69 Fed. Reg. at 5875), the request for hearing and petition to intervene is being referred to you for appropriate action in accordance with 10 CFR §2.346.

Attachment: As stated

cc: Commission Legal Assistants
OGC
CAA
OCA
OPA
EDO
NMSS
James Curtiss, Esquire
Clay Clarke, Esquire



State of New Mexico
Office of the Governor

Bill Richardson
Governor

May 11, 2004

DOCKETED
USNRC

May 20, 2004 (11:35AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Mr. Nils Diaz
Chairman
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: In the Matter of Louisiana Energy Services, L.P., National Enrichment Facility,
Docket No. 70-3103

Dear Chairman Diaz:

Louisiana Energy Services, L.P. (LES) has submitted an application to the Nuclear Regulatory Commission (NRC) for a license to authorize construction and operation of the National Enrichment Facility, a gas centrifuge uranium enrichment facility, to be located in Lea County, New Mexico.

The State of New Mexico has a strong interest in the operation of the proposed facility. As such, the State, through the New Mexico Environment Department (NMED), has petitioned to intervene in the matter, Louisiana Energy Services, L.P., National Enrichment Facility, Docket No. 70-3103. I hope that the State will have an opportunity to participate fully in this proceeding.

The State of New Mexico recognizes the potential economic and other benefits that the National Enrichment Facility could bring to the State. The State, however, wants to ensure that the facility, if licensed, is operated safely and protects the citizens of New Mexico and the environment. In particular, the State wants to ensure that the depleted uranium byproduct generated by the facility is safely disposed of.

As the State in which LES proposes to locate, New Mexico should be entitled to put forth its positions on these important issues in the proceeding before the NRC. The State, therefore, respectfully requests the NRC to grant NMED's petition to intervene, and that the NRC give adequate consideration to the issues of timely disposition of the depleted uranium.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Richardson".

Bill Richardson
Governor of New Mexico

BR/as

cc: Secretary Ron Curry, NMED

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(National Enrichment Facility)

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Docket No. 70-3103-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM ANNETTE L. VIETTI-COOK TO GOVERNOR BILL RICHARDSON RESPONDING TO HIS MAY 11, 2004 LETTER have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chair
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Washington, DC 20555-0001

Administrative Judge
Paul B. Abramson
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Administrative Judge
Charles N. Kelber
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Washington, DC 20555-0001

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Office of General Counsel
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87502-6110

Docket No. 70-3103-ML
LETTER FROM ANNETTE L. VIETTI-COOK TO
GOVERNOR BILL RICHARDSON RESPONDING
TO HIS MAY 11, 2004 LETTER

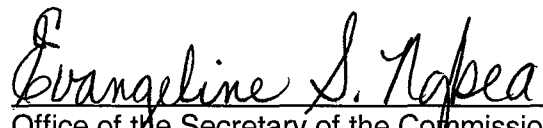
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Pittsburgh, PA 15230-0355

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Louisiana Energy Services, L.P.
2600 Virginia Ave., NW, Suite 610
Washington, DC 20037


Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 2nd day of June 2004