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October 11, 2005

VIA FEDERAL EXPRESS

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USNRC

October 12, 2005 (3:18pm)

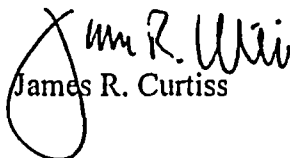
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: In the Matter of LOUISIANA ENERGY SERVICES, L.P. (National
Enrichment Facility) Docket No. 70-3103-MIL

Dear Administrative Judges:

Enclosed are copies of the exhibits referenced in LES' Prefiled Rebuttal
Testimony. Please note that Exhibit 110 is **PROPRIETARY**. If you should have any questions
regarding any of these exhibits, please contact me.

Yours sincerely,


James R. Curtiss

Enclosures

cc: Lisa Clark (w/enclosures)
Lindsay Lovejoy, Jr. (w/enclosures)
Office of the Secretary

DC:438032.1

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SECY-02

Louisiana Energy Services, L.P. Docket No. 70-3103-ML
October 2005 Evidentiary Hearing on Contested Issues

LES Hearing Exhibits

LES Exh. #	Witness/ Panel	Description
110	Transportation	10-6-05 Letter to Rod Krich from Rod Fisk, TLI, re cost figures PROPRIETARY
111	Disposal	2-27-87 Federal Register Notice, 52 FR 5992, 10 CFR Part 60, Advanced notice of proposed rulemaking
112	Disposal	NUREG-0945, Vol. 1, Final Environmental Impact Statement on 10 CFR Part 61 "Licensing Requirements for Land Disposal of Radioactive Waste," Nov. 1982
113	Disposal	DOE Response to Comments, re disposal (Depleted UF ₆ Final PEIS, p. 3-171)
114	Disposal	DOE Response to Comments, re disposal (Depleted UF ₆ Final PEIS, p. 3-142)

3 DOE RESPONSE TO COMMENTS

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Commentor No. 58: Makhijani, Annie / Makhijani, Arjun
Institute for Energy and Environmental Research

Comment 1

The DOE's effort to address the long-term management of the country's depleted uranium hexafluoride, specifically the realization of the importance to convert this material into a stable form is long overdue. The Draft PEIS is seriously deficient because it does not address the most environmentally appropriate option — specifically, the DOE did not include the alternative of disposing of depleted uranium according to the rules of 40 CFR 191 which govern the disposal of transuranic (TRU) wastes. The Institute for Energy and Environmental Research (IEER), in its comments (Mar 22, 1996) on DOE's Notice of Intent (Jan 25, 1996), had already noted that the proposed list of alternatives was incomplete since it did not include the option of disposal under 40 CFR 191. The DOE has rejected our comments without providing any technical or environmental explanation. Our comments of March 22, 1996 are attached. DOE should include this option in the Final PEIS.

IEER recommends that depleted uranium be classified as a waste equivalent to TRU waste for management purposes.

Response 1

Depleted UF₆ is a source material. For purposes of evaluating disposal options in the PEIS, it has been assumed that depleted UF₆ would be converted into an oxide. This oxide form would be considered to be a LLW. By definition, only waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, is classified as TRU waste. Waste containing depleted uranium with no or little TRU radionuclides does not fall within this definition. Therefore, disposal of depleted uranium oxides resulting from the conversion of DOE's depleted UF₆ inventory would not be subject to the regulations specified in 40 CFR 191. The material would be classified as LLW and the disposal alternative evaluated in the PEIS considered it to be LLW.

Comment 2

IEER agrees with DOE that the no action alternative is inappropriate and should be rejected because of the dangers of UF₆ storage. For the same reason, long-term UF₆ storage in new containers should also be rejected. Overall, conversion to oxide would reduce risks. While conversion poses risks to workers and the off-site population, continued storage also poses serious risks.

IEER recommends that UF₆ be converted to an oxide form and declared a waste to be handled on a par with repository-designated TRU waste, with the possible exception of a relatively small quantity to be used for the blending down of highly enriched uranium. This should be the preferred option in the Final PEIS.