

July 8, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
LOUISIANA ENERGY SERVICES, L.P.	)	Docket No. 70-3103
	)	
(National Enrichment Facility)	)	ASLBP No. 04-826-01-ML
	)	

NRC STAFF'S SECOND SET OF INTERROGATORIES TO INTERVENORS  
NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN

Pursuant to 10 C.F.R. §§ 2.706(b)(1) and 2.708(a), the NRC staff (Staff) hereby requests that the Nuclear Information and Resource Services and Public Citizen (collectively, NIRS/PC) respond to the following interrogatories.

Each interrogatory shall be answered separately and fully, in writing, and under oath or affirmation and shall include all pertinent information available to NIRS/PC, its officers, employees, directors, advisors, associates, representatives, consultants, spokespersons or counsel, based upon personal knowledge, unless it is objected to, in which event the reasons for objection shall be stated in full. The answers shall be signed by the person making them, and the objections by the attorney making them.

GENERAL INSTRUCTIONS

1. To the extent NIRS/PC does not have specific, complete, and accurate information with which to answer any interrogatory, it should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto.

2. The words “and” and “or” shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

3. The words “you” and “your” shall be construed to mean NIRS/PC, its officers, employees, directors, advisors, associates, representatives, consultants, spokespersons or counsel.

4. Whenever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

5. Definitions and guidelines to be used in responding to these discovery requests

A. “LES” means the applicant, Louisiana Energy Services, L.P.

B. “Identify” when used in reference to a natural person means to set forth the following:

1. his/her name;
2. his/her last known residential address;
3. his/her last known business address;
4. his/her last employer;
5. his/her title or position;
6. his/her area of responsibility;
7. his/her business, professional, or other relationship with the State; and
8. If any of the information is changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

C. “NEF” means the proposed National Enrichment Facility.

- D. "WCS" means Waste Control Specialists.
- F. "DU" means depleted uranium.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person who was consulted and/or who supplied information in preparing the NIRS/PC late-filed contentions filed July 5, 2005, and identify all documents, reports, text, literature or other matters reviewed by each person in preparing the late-filed contentions.

INTERROGATORY NO. 2:

Identify each person who was consulted and/or who supplied information in responding to the interrogatories set forth herein. Indicate for which interrogatories each person was consulted and/or supplied information. For each such person, identify the individual's occupation, training, and qualifications.

INTERROGATORY NO. 3:

Identify any person you will use as a witness in this proceeding to testify regarding the admitted NIRS/PC contentions. If you rely on any such person as an expert witness, state the details of each witness's education, professional qualifications, and employment history; state the subject matter on which each of the witnesses is expected to testify, including a summary of the grounds for each opinion; and identify all documents, data, or other information that each has reviewed and considered or is expected to rely on for his or her testimony.

INTERROGATORY NO. 4:

Do you intend to rely on any evidence or testimony presented in a previous proceeding relating to the licensing of a uranium enrichment facility? If so, identify the proceeding and state the nature of the evidence or testimony, including citations to the portions of any transcript you intend to rely on.

INTERROGATORY NO. 5: (WCS Disposal of DU)

State all facts that support your Contention EC-3/TC-1 (D) that the disposal of DU at the WCS site is not a "plausible strategy."

INTERROGATORY NO. 6: (WCS Disposal of DU)

State all facts supporting your contention that WCS would not perform satisfactorily in containing DU.

INTERROGATORY NO. 7: (WCS Disposal of DU)

Do you assert that LES must identify the exact site where it will dispose of the DU from the NEF? If the answer is yes, state the specific NRC regulation, guidance, and/or case law that supports your contention.

INTERROGATORY NO. 8: (WCS Disposal of DU)

Do you assert that LES must provide exact costs for disposing the DU from the NEF at the WCS site? If the answer is yes, state the specific NRC regulation, guidance, and/or case law that supports your contention.

INTERROGATORY NO. 9: (WCS Disposal of DU)

Do you assert that the erosion rate of 6 to 18 cm per year is applicable to the eastern edge of the Caprock Escarpment located near the WCS site? If the answer is yes, state all facts or conditions of the Escarpment that support the application of that rate to this escarpment. Explain why those facts support your contention. Specify how the rate was determined, including, but not limited to, any calculations used and the inputs into each calculation. Provide all documents relied on.

INTERROGATORY NO. 10: (WCS Disposal of DU)

Do you assert that an erosion rate at the WCS site greater than 0.0123 centimeters per year will uncover the DU waste within 100,000 years? If the answer is yes, state all facts and conditions of the WCS site that support the application of that rate to this site. Specify how the rate was determined, including, but not limited to, any calculations used and the inputs into each calculation. Provide all documents relied on.

INTERROGATORY NO. 11: (WCS Disposal of DU)

Identify the specific processes that you assert WCS is required to consider in its performance appraisal with regard to the long-term infiltration rate. For each of the processes listed, state all facts supporting your contention. Specify each calculation that you claim needs to be performed. For each calculation state the reason it is necessary. State the outcomes of each calculation. State the inputs to each calculation. Explain the reasons for each input into each calculation. Provide all documents relied on.

INTERROGATORY NO. 12: (WCS Disposal of DU)

Identify the specific deficiencies in the performance assessment relative to  $K_d$  values. State facts that support your contention.

INTERROGATORY NO. 13: (WCS Disposal of DU)

Specify the specific deficiencies or values that you allege render the performance assessment invalid. Specify all facts that support your contention. State all values you allege should have been derived. Specify how you derived them. Explain the reasons each of your values should be used.

INTERROGATORY NO. 14: (WCS Disposal of DU)

Does your proffered witness, Dr. Arjun Makhijani, have any experience with the NRC's licensing application processes and/or NRC's license amendment processes and/or agreements between Compacts? If so, please describe in detail such experience.

INTERROGATORY NO. 15: (WCS Disposal of DU)

Does your proffered witness, Dr. Arjun Makhijani, have any experience determining erosion rates and evaluating causes of erosion? If so, please describe in detail such experience.

INTERROGATORY NO. 16: (Envirocare Disposal of DU)

State all facts that support your contention that the disposal of DU at the Envirocare site is not a "plausible strategy." Explain the reasons each fact supports your contention

INTERROGATORY NO. 17: (Envirocare Disposal of DU)

State all facts that support your contention that disposal of DU from the NEF at Envirocare will potentially exceed the dose limits set for in 10 C.F.R. Part 61.

INTERROGATORY NO. 18: (Envirocare Disposal of DU)

State all facts to support your contention that the Staff has identified a preferred site for disposal.

INTERROGATORY NO. 19: (Cost of Disposal of DU)

State the basis for your contention that a contingency factor should be applied to the estimated cost of deconversion of  $DUF_6$ .

INTERROGATORY NO. 20: (Cost of Disposal of DU)

Does your proffered witness, Dr. Arjun Makhijani, have any experience determining exchange rates? If so, please describe in detail such experience.

INTERROGATORY NO. 21: (Cost of Disposal of DU)

State all facts and calculations that support your contention that the cost of safely disposing DU is \$20.00 to \$30.00 per kgU. State the inputs for each calculation, and the reason for each input. Include the outcomes for each calculation. Provide all documents relied on.

INTERROGATORY NO. 22: (Cost of Disposal of DU)

Identify the specific deficiencies in LES's cost estimates regarding scaling. State all facts that support your contention that LES did not properly consider scaling considerations

INTERROGATORY NO. 23: (Inadequacy of the FEIS)

Identify all deficiencies you allege are in the FEIS relative to environmental impacts of DU disposal. State the reasons that the FEIS is deficient as to such impacts. State the analyses you assert must be performed. Provide the date you assert must be used in such analyses.

Respectfully submitted,

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Lisa Clark  
Kathleen Kannler  
Counsel for NRC Staff

Dated at Rockville, Maryland  
This 8th day of July, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SECOND SET OF INTERROGATORIES TO INTERVENORS NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN" in the above-captioned proceedings have been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (\*), and by electronic mail as indicated by a double asterisk (\*\*) on this 8<sup>th</sup> day of July, 2005.

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