

July 8, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

July 8, 2005 (4:33pm)

In the Matter of:)
Louisiana Energy Services, L.P.)
(National Enrichment Facility))

Docket No. 70-3103-ML
ASLBP No. 04-826-01-ML

OFFICE OF
SECRETARY
RULEMAKINGS AND
ADJUDICATIONS

APPLICANT'S INTERROGATORIES
TO NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN

Pursuant to 10 C.F.R. §§ 2.706(b) and 2.705(e), Louisiana Energy Services, L.P. ("Applicant") hereby serves Applicant's Interrogatories upon Nuclear Information and Resource Service and Public Citizen (NIRS/PC), Intervenors in the above-captioned case.

Each interrogatory should be answered fully in writing, under oath or affirmation. Responses should include all pertinent information known to Intervenors, its officers, directors, members, employees, advisors, representatives or legal counsel. In answering each interrogatory and in responding to each request, it would be appreciated if the interrogatory or request could be recited immediately preceding each answer or response.

These interrogatories and requests shall be continuing in nature as required by 10 C.F.R. § 2.705(e). Thus, any time Intervenors claim information which renders any previous response incorrect, incomplete or which indicates that a response was incorrect or incomplete when made, Intervenors should supplement its previous response to the appropriate interrogatory or request to produce. Also, Intervenors should supplement its response with respect to any question addressing the identity and locations of persons having knowledge of discoverable

TEMPLATE = SECY-035

SECY-02

matters, and the identity of each person expected to be called as a witness at the hearing, including the subject matter and subject of the witness' testimony. As required by 10 C.F.R. § 2.705(e), supplements to Intervenor's response must be seasonably submitted, and in no case less than 30 days prior to the scheduled hearing date.

The term "documents" shall include information contained in any tangible medium of expression, including but not limited to, articles, letters, memoranda, notes, graphs, charts, calculations, photographs, electronic communications (including e-mails), data stored on magnetic and optical digital and analog data storage devices, and any other writing of whatever description.

Intervenor's are requested to address in its answers Applicant's clarifications of and modifications, changes, and amendments to the License Application, Environmental Report, Safety Analysis Report and other relevant reports which were available to Intervenor's prior to these interrogatories. With respect to each interrogatory, Intervenor's are further requested to:

1. State the full name, address, occupation, resume and present employer of each person(s) answering the following interrogatories and requests, and designate the interrogatory or the part thereof that such person(s) answered.
2. If the answer to any interrogatory below, or any contention or basis for a contention listed below relies upon one or more calculations:
 - a. Describe each calculation and identify any documents setting forth such calculation;
 - b. Provide the name and location of each person who performed the calculation and the date the calculation was made;

- c. Describe each assumption made in each calculation, to include the value of and basis for each assumption.
 - d. Describe each constant and variable in each calculation, to include the value and basis for each constant and the source of the data applied to each variable.
 - e. Provide the results of each calculation.
 - f. Explain in detail how each calculation provides a basis for the contention.
3. If the answer to any interrogatory or request below relies upon conversations, consultations, correspondence or any other type of communications with one or more individuals:
 - a. Identify by name and address each such individual;
 - b. State the educational and professional background of each such individual, including occupation and institutional affiliations;
 - c. Describe the nature of each communication with such individual, when it occurred, and identify all other individuals involved;
 - d. Describe the information received from such individuals and explain how it provides a basis for the contention; and
 - e. Identify each letter, memorandum, tape, note or other record related to each conversation, consultation, correspondence, or other communication with such individuals.
4. In the answer to each interrogatory or request below, identify fully any documents used as the basis for the answer to the interrogatory or related to the subject of the interrogatory, upon which Intervenors intend to rely in establishing the contention or the basis for the contention.

SPECIFIC INTERROGATORIES

Contention EC-3/TC-1 – Depleted Uranium Hexafluoride Storage and Disposal

1. Provide the name, address, profession, employer, and area of professional expertise of each person whom NIRS/PC expects to call as a witness, including any expert witness at the hearing.
2. Provide the educational and scientific expertise of each witness.
3. Provide the subject matter on which each of the witnesses is expected to testify.
4. Provide the substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or will otherwise use for his testimony.
5. This contention alleges, *inter alia*, that "Louisiana Energy Services, L.P., ('LES') does not have a sound, reliable, or plausible strategy for private sector disposal of the large amounts of radioactive and hazardous Depleted Uranium Hexafluoride (DUF₆) that the operation of the plant would produce . . . ".
 - a. What is the purpose of requiring an applicant to demonstrate that it has a "plausible strategy"?
 - b. What must an applicant show in order to demonstrate that it has a "plausible strategy"? Is an applicant required to select specific sites at which DUF₆ disposition activities would be carried out? Is an applicant required to select a specific site for a deconversion facility? For a disposal facility? Must these facilities have been granted a license by the responsible regulatory authority in order to satisfy the

demonstration required for a "plausible strategy"? Must these facilities be in operation in order to satisfy the demonstration required for a "plausible strategy"?

c. Must an applicant have entered into any contractual arrangements for the disposition of DUF₆ in order to satisfy the demonstration required for a "plausible strategy?"

d. Must an applicant present an "actual plan" to dispose of DUF₆? What is meant by the term "actual plan", as that term is used in NIRS/PC's July 5, 2005 Motion (see p. 2)? What is the difference between an "actual plan" and a "decommissioning plan", as this latter term is used in 10 C.F.R. Part 70?

e. What is meant by the term "disposal strategy", as that term is used in NIRS/PC's July 5, 2005 Motion (see p. 9) Is an applicant required to demonstrate that it has a "disposal strategy"? If so, what is the regulatory basis for this requirement? Does 10 C.F.R. 70.25 require a "disposal strategy"? If so, identify where, specifically, this is required in 10 C.F.R. 70.25.

f. What is the purpose of 10 C.F.R. 70.25?

Contention EC-5/TC-2 – AGNM TC-i – Decommissioning Costs

1. Provide the name, address, profession, employer, and area of professional expertise of each person whom NIRS/PC expects to call as a witness, including any expert witness at the hearing.
2. Provide the educational and scientific expertise of each witness.
3. Provide the subject matter on which each of the witnesses is expected to testify.

4. Provide the substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or will otherwise use for his testimony.
5. What is the basis for, and purpose of, a "contingency factor"?
6. What is the basis for, and purpose of, the requirement in 10 C.F.R. 70.25(e) that a decommissioning funding plan include "means for adjusting cost estimates and associated funding levels over the life of the facility"?

Contention EC-6/TC-3 – Costs of Management and Disposal of Depleted UF₆

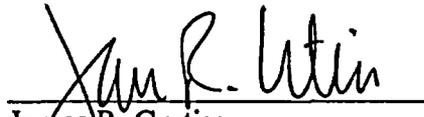
1. Provide the name, address, profession, employer, and area of professional expertise of each person whom NIRS/PC expects to call as a witness, including any expert witness at the hearing.
2. Provide the educational and scientific expertise of each witness.
3. Provide the subject matter on which each of the witnesses is expected to testify.
4. Provide the substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or will otherwise use for his testimony.

Proposed Contention EC-9

1. Provide the name, address, profession, employer, and area of professional expertise of each person whom NIRS/PC expects to call as a witness, including any expert witness at the hearing.

2. Provide the educational and scientific expertise of each witness.
3. Provide the subject matter on which each of the witnesses is expected to testify.
4. Provide the substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or will otherwise use for his testimony.

Respectfully submitted,



James R. Curtiss
Martin J. O'Neill
Amy Roma
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, DC 20006-3817
(202) 282-5000

John W. Lawrence, Esq.
LOUISIANA ENERGY SERVICES, L.P.
100 Sun Avenue, NE
Suite 204
Albuquerque, NM 87109

Dated at Washington, District of Columbia
this 8th day of July, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	Docket No. 70-3103-ML
)	
Louisiana Energy Services, L.P.)	ASLBP No. 04-826-01-ML
)	
(National Enrichment Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Applicant's Interrogatories To Nuclear Information and Resource Service/Public Citizen" in the captioned proceeding have been served on the following by e-mail service, designated by **, on July 8, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 8th day of July 2005.

Chairman Nils J. Diaz
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Commissioner Edward McGaffigan, Jr.
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Office of the Secretary**
Attn: Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-16C1
Washington, DC 20555-0001
(original + two copies)
e-mail: HEARINGDOCKET@nrc.gov

Commissioner Gregory B. Jaczko
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Commissioner Peter B. Lyons
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Office of Commission Appellate
Adjudication
Mail Stop O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Ron Curry
Tannis L. Fox, Esq.**
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87502-6110
e-mail: tannis_fox@nmenv.state.nm.us

Administrative Judge
G. Paul Bollwerk, III, Chair**
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
e-mail: gpb@nrc.gov

Christopher D. Coppin, Esq.**
David M. Pato, Esq.**
Stephen R. Farris, Esq.**
Glenn R. Smith, Esq.**
Office of the New Mexico Attorney General
P.O. Box Drawer 1508
Santa Fe, NM 87504-1508
e-mail: ccoppin@ago.state.nm.us
e-mail: dpato@ago.state.nm.us
e-mail: sfarris@ago.state.nm.us
e-mail: gsmith@ago.state.nm.us

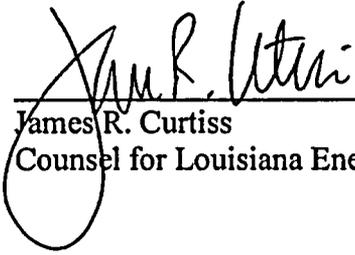
Office of the General Counsel**
Attn: Associate General Counsel for
Hearings, Enforcement and
Administration
Lisa B. Clark, Esq.**
Darani M. Reddick**
David A. Cummings**
Kathleen A. Kannler, Esq.**
Mail Stop O-15D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
e-mail: OGCMailCenter@nrc.gov
e-mail: lbc@nrc.gov
e-mail: dmr1@nrc.gov
e-mail: dac3@nrc.gov
e-mail: kak1@nrc.gov

Administrative Judge
Paul B. Abramson**
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
e-mail: pba@nrc.gov

Administrative Judge
Charles N. Kelber**
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
e-mail: cnk@nrc.gov

Lindsay A. Lovejoy, Jr.**
618 Pasco de Peralta, Unit B
Santa Fe, NM 87501
e-mail: lindsay@lindsaylovejoy.com

Lisa A. Campagna**
Assistant General Counsel
Westinghouse Electric Co., LLC
P.O. Box 355
Pittsburgh, PA 15230-0355
e-mail: campagla@westinghouse.com



James R. Curtiss
Counsel for Louisiana Energy Services, L.P.