

RAS 10166

July 12, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

July 13, 2005 (8:00am)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

RESPONSE OF LOUISIANA ENERGY SERVICES, L.P. TO LICENSING BOARD REQUEST FOR CLARIFICATION REGARDING APPLICANT'S PRIVATE SECTOR "PLAUSIBLE STRATEGY" FOR DISPOSITION OF DEPLETED URANIUM

On June 30, 2005, the Atomic Safety and Licensing Board (the "Board") issued a Memorandum and Order ruling on certain late-filed contentions filed by intervenors Nuclear Information and Resource Service and Public Citizen (NIRS/PC).¹ In connection with Contention NIRS/PC EC-3/TC-1, the Board instructed Louisiana Energy Services, L.P. ("LES") to provide the Board with a filing, on or before July, 8, 2005, "indicating whether [LES] continues to rely upon either the ConverDyn or Cogema options that are the focus of this contention as the basis for any showing regarding a 'plausible strategy' for [depleted uranium ("DU")] waste disposition relative to the agency's decommissioning funding requirement." Board Order at 11. On July 11, 2005, the Board granted LES's request for an extension of time to evaluate this matter further. LES herein responds to the Board's request for clarification.

Upon further and careful consideration of the Board's inquiry, LES has concluded that the discrete issues raised by the Board - *i.e.*, LES's continued reliance on statements regarding both ConverDyn and Cogema - are inextricably intertwined with broader DU

¹ Memorandum and Order (Ruling on NIRS/PC Late-Filed Contention Amendments) (unpublished) (June 30, 2005) ("Board Order").

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SECY-02

disposition-strategy-related issues that LES intends to address on summary disposition. Accordingly, LES intends to address the specific issues raised by the Board in the context of its forthcoming summary disposition motions. Pursuant to the general schedule established by the Board, those motions are due to be filed on July 25, 2005.

Respectfully submitted,

Martin J. O'Neill for James R. Curtiss

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Dated at Washington, District of Columbia
this 12th day of July 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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| Louisiana Energy Services, L.P. |) | ASLBP No. 04-826-01-ML |
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CERTIFICATE OF SERVICE

I hereby certify that copies of the "RESPONSE OF LOUISIANA ENERGY SERVICES, L.P. TO LICENSING BOARD REQUEST FOR CLARIFICATION REGARDING APPLICANT'S PRIVATE SECTOR "PLAUSIBLE STRATEGY" FOR DISPOSITION OF DEPLETED URANIUM" in the captioned proceeding have been served on the following by e-mail service, designated by **, on July 12, 2005 as shown below. Additional service has been made by deposit in the United States mail, first class, this 12th day of July 2005.

Chairman Nils J. Diaz
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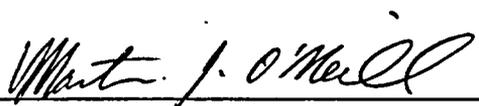
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