

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(Claiborne Enrichment Center)

Docket No. 70-3070-ML

AFFIDAVIT OF PETER G. LeROY

I, Peter G. LeRoy, being duly sworn, hereby state as follows:

1. I am employed by Duke Engineering and Services, Inc., as an Engineering Supervisor, II, contracted to provide services to Louisiana Energy Services, L.P. ("LES"), as Licensing Manager, responsible for securing the necessary licenses and permits to allow construction and operation of the Claiborne Enrichment Center ("CEC"). This includes preparing, submitting and gaining approval for the license application submitted to the United States Nuclear Regulatory Commission ("NRC"), the National Pollutant Discharge Elimination System ("NPDES") permit application submitted to the United States Environmental Protection Agency ("EPA"), information concerning air emissions submitted to the EPA to allow construction of the CEC, the permit application to discharge wastewater submitted to the Louisiana Department of Environmental Quality ("LDEQ"), and the permit application for approval of emissions of air pollutants submitted to the LDEQ. A copy of my qualifications showing my complete professional experience is included with this Affidavit.

2. My business address and phone number are:

Duke Engineering and Services, Inc.  
P.O. Box 1004  
Charlotte, NC 28201-1004  
(704) 382-2834

3. I am specifically responsible for ensuring that the License Application, including the Safety Analysis Report ("SAR"), Environmental Report ("ER"), Emergency Plan ("EP"), Fundamental Nuclear Material Control ("FNMC") Plan, Physical Security Plan ("PSP"), Security Plan for the Protection of Classified Matter and Information ("CSP"), Criticality Safety Engineering Report ("CSER"), and Proposed License Conditions ("PLC"), is complete and in accordance with applicable regulations.

4. Contention I, as allowed by the Board, alleges that the license application and associated documents are incomplete. Citizens Against Nuclear Trash ("Intervenor") identified the following major areas as being incomplete. As characterized by the Licensing Board, the ER lacks sufficient discussion of the following:

- i) environmental impacts of site preparation and construction;
- ii) monitoring data to support determinations of source terms for gaseous effluents;
- iii) evaluation of means of reducing liquid effluent concentrations;
- iv) assessment of radiological impacts of plant operation;
- v) environmental effects of accidents;
- vi) baseline data for the pre-operational effluent and environmental monitoring program; and
- vii) a program to maintain releases as low as reasonably achievable.

As characterized by the Licensing Board, the Safety Analysis Report ("SAR") is missing information concerning:

- viii) finalization of design features for earthquakes, tornadoes, and missiles;
- ix) a quality assurance program for Class I equipment;
- x) program for surveillance and maintenance of cylinders containing tails in interim storage;
- xi) management and control program.

These matters were first brought to LES' attention by a March 21, 1991 letter from the NRC staff to LES requesting additional information. Intervenor relied entirely upon this NRC staff request as the bases for Contention I. Subsequent to this request for additional information, LES has supplemented the license application and related documents several times to provide the information requested by the NRC. A detailed account of submittal of this information is provided in paragraph 5 below.

Intervenor served LES with interrogatories on April 14, 1992 to discover related additional information (reference interrogatories 39 through 45). Detailed responses to the interrogatories were provided by LES to Intervenor on May 4, 1992.

LES served Intervenor with interrogatories on August 11, 1992 to discover if the additional information submitted by LES to the NRC had adequately "completed" the license application (reference interrogatories I.1 through I.11). In CANT's response of December 2, 1992, CANT indicated that they were unwilling to withdraw any aspects of their contention, as they were continuing to evaluate the aspects of Contention I. In neither CANT's interrogatories nor their responses to LES interrogatories has CANT identified any new, different or additional information related to the incompleteness of the license application not identified in the NRC staff's letter to LES dated March 21, 1991.

5. Issues viii through xi outlined in paragraph 4 above have been resolved to the satisfaction of the staff to the best of my knowledge and as documented by the NRC Staff in its Safety Evaluation Report ("SER") released January 25, 1994. Outlined below is information indicating how each of these issues related to safety outlined in paragraph 4 above has been resolved by supplementing the original license application and related documentation.

- viii) finalization of design features for earthquakes, tornadoes, and missiles -

The license application has been supplemented to provide additional information regarding design features to mitigate the effects of potential earthquakes, tornadoes, and wind generated missiles. Additional information was provided by LES in submittals to the NRC dated June 26, 1991, March 31, 1992, and July 29, 1992 (enclosures S-1 through S-23). SAR section 5.2 provides information regarding the Separations Building and equipment inside the Separations Building at the CEC.

- ix) a quality assurance program for Class I equipment -

The license application has been supplemented to provide additional information regarding the quality assurance program for Class I structures, systems, and components, as well as, the quality assurance program for Class II structures, systems, and components. This information is contained in SAR Chapter 10.

- x) program for surveillance and maintenance of cylinders containing tails in interim storage;

The program for surveillance and maintenance of cylinders has been provided in section 6.6.1 of the Proposed License Conditions for the CEC.

- xi) management and control program -

The license application has been supplemented to provide additional information regarding management and control programs at the CEC. SAR Chapter 11 contains this information. Certain parts of these programs are proposed as license conditions in section 2 of the Proposed License Conditions for the CEC.

6. Since CANT relied upon NRC identification of incompleteness as the basis for the contention, and the NRC is now satisfied with the completeness of the license application based upon their publication of the Draft Environmental Impact Statement ("DEIS") and Safety Evaluation Report ("SER"), and that all issues identified by CANT as being incomplete are now resolved, I am now aware of no genuine issue of material fact related to this contention.
  
7. The information above is true and correct to the best of my knowledge and belief.

Peter G. LeRoy

Peter G. LeRoy

Subscribed and sworn to before  
me this 11<sup>th</sup> day of April, 1994.

Susan S. Walters

Notary Public

My commission expires: 12/11/94

PETER G. LEROY  
DUKE ENGINEERING & SERVICES, INC.  
230 SOUTH TRYON STREET  
P. O. BOX 1004  
CHARLOTTE, NORTH CAROLINA 28201-1004

**EDUCATION & TRAINING**

Duke University, Durham, N.C., BS in Mechanical Engineering, 1982  
Queens College, Charlotte, N.C., MBA (Blumenthal Scholar), 1990  
Duke Power Management/Supervisor Training (150 hrs)  
Duke Power, Catawba Nuclear Station, Systems Technical Training

**PROFESSIONAL AFFILIATIONS & CERTIFICATIONS**

American Society of Mechanical Engineers, Associate Member  
American Nuclear Society, Member  
Registered Professional Engineer - NC 13748 SC 12047  
LA 23794 GA 19942

**SECURITY CLEARANCES**

NRC 'Q' clearance

**WORK EXPERIENCE**

<u>FROM</u>	<u>TO</u>	<u>TITLE</u>	<u>COMPANY</u>
9/89	Present	Engineering Supervisor	Duke Engineering & Services, Inc.

Responsible for managing the licensing effort for Louisiana Energy Services' Uranium Enrichment Facility in northwest Louisiana. This includes development and submission of the license application including an Environmental Report and Safety Analysis Report. Also responsible for developing, submitting and obtaining approval for all permits (e.g., NPDES, Air Discharge) necessary for construction and operation of the facility.

Responsible for managing the development and submittal to the Georgia Environmental Protection Division all necessary permit applications for the Transco Hartwell gas turbine power plant located near Hartwell, Georgia.

Assist in licensing reviews of ABB-CE's System 80+ advanced light water reactor.

Assist in preparation and review of safety evaluation and hazard analyses for several nuclear power plant steam generator replacement projects.

WORK EXPERIENCE

<u>FROM</u>	<u>TO</u>	<u>TITLE</u>	<u>COMPANY</u>
4/88	8/89	Support Engineer	Duke Power Company

Responsible for supervising coordination of all activities associated with the licensing of Catawba Nuclear Station. This includes ensuring all written and verbal communication with the Nuclear Regulatory Commission (NRC) is accurate and timely. Supervised a technical and engineering staff and served as Duke Power's primary representative on the Westinghouse Owners Group (WOG) and the Nuclear Utility Backfit and Reform Group (NUBARG). During this time was the coordinator for the response to 10 CFR 50.63, Loss of All Alternating Current Power, for all three of Duke Power's nuclear stations. This included acting as Duke Power's representative to the Nuclear Utility Group on Station Blackout (NUGSBO) working group.

1/87	3/88	Accountable Engineer	Duke Power Company
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Responsible for the design and implementation of modifications to mechanical equipment at the Catawba Nuclear Station. Coordinated installations of new piping and HVAC systems. Responsible for designing electrical support equipment for mechanical equipment modification, control or electric power. Past projects include installation of 8 ton cooling unit to prevent premature electrical equipment failure, modification of valve control circuits to allow valve throttle, and modification of ventilation system to reduce differential pressure between plant areas.

1/84	12/86	Licensing Engineer	Duke Power Company
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Responsible for all licensing activities at the Catawba Nuclear Station including development of the Final Safety Analysis Report, Technical Specifications, and coordination and resolution of NRC Regional issues. Developed computer programs for tracking and completing outstanding issues for station. During this time both units of Catawba Nuclear Station received operating licenses from the NRC.

RESUME  
PETER G LEROY  
PAGE 3

**WORK EXPERIENCE**

<u>FROM</u>	<u>TO</u>	<u>TITLE</u>	<u>COMPANY</u>
9/82	12/83	Accountable Engineer	Duke Power Company

Responsible for the design and implementation of modifications to mechanical equipment at the Catawba Nuclear Station. Coordinated installations of new piping and HVAC systems. Responsible for designing electrical support equipment for mechanical equipment modification, control or electric power. Past projects include installation of 8 ton cooling unit to prevent premature electrical equipment failure, modification of valve control circuits to allow valve throttle, and modification of ventilation system to reduce differential pressure between plant areas.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD '04 APR 14 P3:11

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
 )  
LOUISIANA ENERGY SERVICES, L.P. ) Docket No. 70-3070-ML  
 )  
(Claiborne Enrichment Center) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "LOUISIANA ENERGY SERVICES' MOTION FOR SUMMARY DISPOSITION OF THE SAFETY AREAS OF CONTENTION I" (with accompanying affidavit) have been served on the following by deposit in the United States Mail, first class, this 13th day of April, 1994:

Administrative Judge  
Thomas S. Moore, Chairman  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555  
(2 copies)

Administrative Judge  
Richard F. Cole  
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Administrative Judge  
Frederick J. Shon  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Secretary of the Commission  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555  
Attention: Chief, Docketing and  
Service Section  
(Original plus 2 copies)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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Adjudicatory File  
Atomic Safety and Licensing  
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LOUISIANA ENERGY SERVICES, L.P.

  
\_\_\_\_\_  
John A. MacEvoy

WINSTON & STRAWN,  
ATTORNEYS FOR LOUISIANA ENERGY  
SERVICES, L.P.