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RELATED CORRESPONDENCE

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'94 JUN 22 P3:30

In the Matter of  
LOUISIANA ENERGY SERVICES, L.P.  
(Claiborne Enrichment Center)

Docket No. 70-3070

OFFICE OF SECRETARY  
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APPLICANT'S RESPONSE TO  
INTERVENOR'S INTERROGATORY Q-5

I. INTRODUCTION

Louisiana Energy Services, L.P. (Applicant), pursuant to 10 C.F.R. § 2.740b(b), hereby responds to Interrogatory Q-5 of "3/24/94 Interrogatories and Request for Production of Documents Filed by Citizens Against Nuclear Trash and Directed to Louisiana Energy Services, L.P., Pertaining to Contentions B, H, and Q," filed March 24, 1994.

II. BACKGROUND

Applicant, in its April 15, 1994 Response, objected to answering Interrogatory Q-5 on the grounds that the information requested was not relevant and that LES could not seek permission for its utility partners to recover costs from their rate bases.

Intervenor filed a Motion to Compel a response to, inter alia, Interrogatory Q-5 on May 2, 1994, alleging that Applicant was trying to shield its partners from the need to respond to discovery. In its May 17, 1994, Answer, Applicant addressed the scope of discovery. On May 23, 1994, the Licensing Board ordered Intervenor to address whether discovery of information from

parent corporations of general partners is permissible, to which Intervenor responded on May 27. On June 1, the Licensing Board ordered Applicant to, inter alia, respond to Interrogatory Q-5:

to the extent the information sought by interrogatory Q-5 is available to any of the LES partners (or their directors, officers, employees or agents) . . . . To the extent, however, that the information sought by interrogatory Q-5 is not available to any LES partner but is within the exclusive control of an LES partner's parent corporation, the interrogatory need not be answered.

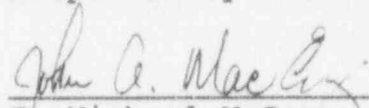
Memorandum and Order (Ruling on Intervenor's May 2, 1994 Motion to Compel), June 1, 1994, at 6.

### III. DISCUSSION

The response to Interrogatory Q-5 is provided in the attached Affidavit of Peter G. LeRoy. In the interest of providing a complete response, Applicant obtained certain information directly from the parent/affiliate corporations of its partners. Applicant does not, by this action, waive its right to object to discovery of information which is not available to any of the LES partners (or their directors, officers, employees or agents), but is within the exclusive control of an LES partner's parent corporation.

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Respectfully submitted,



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J. Michael McGarry, III  
John A. MacEvoy  
WINSTON & STRAWN,  
1400 L Street, N.W.  
Washington, D.C. 20005-3502

June 21, 1994

Attorneys for Louisiana Energy  
Services, L.P.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "APPLICANT'S RESPONSE TO INTERVENOR'S INTERROGATORY Q-5" and associated affidavit have been served on the following by deposit in the United States Mail, first class, this 21st day of June, 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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U.S. Nuclear Regulatory  
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Washington, D.C. 20555

Administrative Judge  
Frederick J. Shon  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
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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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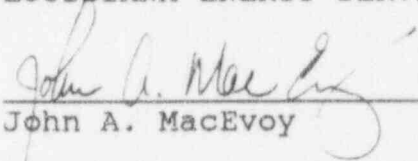
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Adjudicatory File  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
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WINSTON & STRAWN,  
ATTORNEYS FOR LOUISIANA ENERGY  
SERVICES, L.P.

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 was included in a previous Affidavit served on May 25, 1994.<sup>1</sup>

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<sup>1</sup> "Louisiana Energy Services' Motion for Summary Disposition of Contention H," May 25, 1994.

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. On March 24, 1994, Citizens Against Nuclear Trash ("CANT") filed, among others, the following interrogatory<sup>2</sup>:

Interrogatory No. Q-5:

Indicate whether and when you have and/or intend to seek permission to recover any costs associated with the licensing of CEC facility from the rate base of any of the entities who are members of the LES partnership.

The ASLB ordered LES to respond to interrogatory Q-5 so far as "the information sought by interrogatory Q-5 is available to any of the LES partners (or their directors, officers, employees or agents) . . ."<sup>3</sup>

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<sup>2</sup> "3/24/94 Interrogatories and Request for Production of Documents Filed by Citizens Against Nuclear Trash and Directed to Louisiana Energy Services, L.P. Pertaining to Contentions B, H, and Q" at 9.

<sup>3</sup> "Memorandum and Order (Ruling on Intervenor's May 2, 1994 Motion to Compel)" at 6.

5. Based upon discussions with representatives of the parent companies of the LES utility affiliates, the response to Interrogatory Q-5 is as follows:

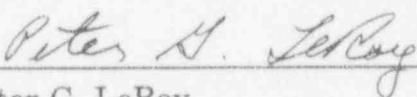
Duke Power Company (affiliate of LES partner Claiborne Energy Services, Inc.) sought permission in June 1990 to recover costs associated with the licensing of CEC facility from its rate base. The appropriate public utility commissions denied this request.

Northern States Power Company (affiliate of LES partner Graystone Corporation) has not sought permission to recover any costs associated with the licensing of CEC facility from its rate base.

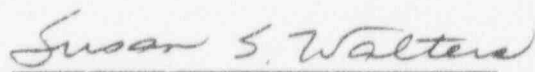
Louisiana Power & Light Company (affiliate of Entergy Corporation) has not sought permission to recover any costs associated with the licensing of the CEC facility from its rate base.

Neither Duke Power Company nor Northern States Power Company intend to seek permission to recover any costs associated with the licensing of the CEC facility from its rate base. Louisiana Power & Light Company has made no decision on whether to recover any costs associated with the licensing of the CEC facility from its rate base.

6. The information above is true and correct to the best of my knowledge and belief.

  
Peter G. LeRoy

Subscribed and sworn to before  
me this 20<sup>th</sup> day of June, 1994.

  
Notary Public

My commission expires: 12/11/94