

**RELATED CORRESPONDENCE**

DOCKETED  
USNRC

September 9, 2004 (3:40PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman  
Dr. Paul B. Abramson  
Dr. Charles N. Kelber

In the Matter of )

LOUISIANA ENERGY SERVICES, L.P. )

(National Enrichment Facility) )

Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

**NEW MEXICO ATTORNEY GENERAL'S INTERROGATORIES, REQUESTS  
FOR PRODUCTION, AND IDENTIFICATION OF EXPERT WITNESS**

**INTERROGATORY NO.1**

Please state the name, business address, and job title of each person who was consulted and/or who supplied information for responding to interrogatories. Specifically note for which interrogatories each such person was consulted and/or supplied information. If the information or opinions of anyone who was consulted in connection with your response to an interrogatory or request for admission differs from your written answer to the discovery request, please describe in detail the differing information or opinions, and indicate why such differing information or opinions are not your official position as expressed in your written answer to the request.

## **INTERROGATORY NO.2**

To the extent that Louisiana Energy Services, L.P. has not previously produced documents pertaining to the New Mexico Attorney General's admitted contention, please identify and produce all such documents not previously produced, including any documents, notes, calculations, e-mails, and other correspondence relating to the cost-estimates provided in Section 10 of the Safety Analysis Report and all communications, including with whom, when, and the substance, between LES, or anyone on their behalf, and either the NRC or DOE on the subject of the admitted contention.

### **INTERROGATORY NO. 3**

For the Attorney General's admitted contention, give the name, address, profession, employer, area of professional expertise, and educational and scientific experience of each person whom Louisiana Energy Services, L.P. expects to call as a witness at the hearing. For purposes of answering this interrogatory, the educational and scientific experience of expected witnesses may be provided by a resume of the person attached to the response.

#### **INTERROGATORY NO. 4**

For the Attorney General's admitted contention, identify the qualifications of each expert witness whom Louisiana Energy Services, L.P., expects to call at the hearing, including but not limited to a list of all publications authored by the witness within the preceding ten years and a listing of any other cases in which the witness has testified as an expert at a trial, hearing or by deposition within the preceding four years.

## **INTERROGATORY NO.5**

In calculating the Depleted UF6 disposal costs as identified in Table 10.3-1 of the NEF Safety Analysis Report, identify and fully explain the rationale behind averaging the total of the projected costs for tails disposition derived from the Claiborne Enrichment Center ("CEC") facility, the Lawrence Livermore National Labs ("LLNL") study, the experiences from Urenco, and the Uranium Disposition Services ("UDS") contract, as opposed to averaging the costs of each of the components (i.e., conversion, disposal, transportation) from each of these sources and relying on the sum of each of the component's averages.

#### **INTERROGATORY NO. 6**

Identify and fully explain which, if any, of the sources relied upon in calculating Louisiana Energy Services, L.P., depleted UF6 disposal costs take into account the costs of long-term storage of the depleted UF6 on the premises, including in such explanation any and all documents, calculations or other materials which show the extent to which long term storage of depleted UF6 was included in calculating the UF6 disposal costs.

**INTERROGATORY NO. 7**

Explain Louisiana Energy Services, L.P., position regarding the necessity of consideration of the costs of long-term or indefinite storage in the dispositioning of the depleted UF6 and provide all documents, calculations, other materials and a summary of any testimony that supports that position.

**INTERROGATORY NO. 8**

Identify and explain the governmental, institutional and operational similarities and differences between the Urenco facility in the Netherlands and the proposed facility in Eunice, New Mexico.



**INTERROGATORY NO. 9**

Identify and explain the governmental, institutional and operational similarities and differences between the proposed CEC facility and the proposed facility in Eunice, New Mexico.

## **INTERROGATORY NO. 10**

State whether LES currently has a disposal contract in place for the expected depleted UF<sub>6</sub> from the NEF and, if not, provide the names and addresses of any persons, companies or other entities with whom LES plans to enter into such agreement and the dates such agreement is expected to be entered.

**INTERROGATORY NO. 11**

Please explain whether LES currently plans to convert depleted UF<sub>6</sub> on an ongoing basis while the NEF is in operation and, if not, why.

**INTERROGATORY NO. 12**

Provide all evidence that supports the belief that the  $\text{CaF}_2$  conversion products will be of sufficient purity that they could be sold for unrestricted use.

### **INTERROGATORY NO. 13**

Explain how LES will dispose of the conversion products if they are not of sufficient purity that they could be sold for unrestricted use and specify, quantify, and explain in detail the additional costs that LES will incur if the conversion products are not of sufficient purity that they could be sold for unrestricted use.

**INTERROGATORY NO. 14**

What is the name of the supplier with which Urenco has a contract for  $\text{DUF}_6$  to  $\text{DU}_3\text{O}_8$  conversion. Reference page 10.3-3 of the NEF SAR.

### **INTERROGATORY NO. 15**

Describe the process that this supplier, identified in Interrogatory No. 14, uses to convert  $\text{DUF}_6$  to  $\text{DU}_3\text{O}_8$ , the byproducts of this conversion and the radioactive concentrations of the conversion byproducts.

### **REQUEST FOR PRODUCTION #1**

Provide a copy of any contract that LES has in place or that LES is considering for the disposal of depleted UF<sub>6</sub>.



## **REQUEST FOR PRODUCTION #2**

Provide copies of any documents that discuss the date by which LES currently intends to have a contract in place for the disposal of depleted UF<sub>6</sub>.

### **REQUEST FOR PRODUCTION #3**

Provide copies of the correspondence and other documents received by LES from Urenco which discuss the costs, procedures or practices for the disposal of depleted UF<sub>6</sub>.

#### **REQUEST FOR PRODUCTION #4**

Provide copies of any documents related to the estimated cost of disposing of depleted

UF<sub>6</sub> from the proposed NEF that were reviewed by Urenco.

### **REQUEST FOR PRODUCTION #5**

Provide copies of any workpapers, reports or correspondence prepared by Urenco related to its review of the estimated cost of the disposal of depleted UF<sub>6</sub> from the proposed NEF.

### **REQUEST FOR PRODUCTION #6**

Provide a complete copy of the Department of Energy's Draft 1997 Programmatic Environmental Impact Statement, cited at page 10.3-1 in the NEF SAR as DOE, 1997.

### **REQUEST FOR PRODUCTION #7**

Provide copies of the May 1997 Engineering Analysis Report (UCRL-AR-124080),

Volumes 1 and 2, cited at page 10.3-2 in the NEF SAR as Dubrin, 1997.

**REQUEST FOR PRODUCTION #8**

Provide copies of any documents in the possession of LES which discuss the actual experience or costs associated with the disposal of depleted UF<sub>6</sub>.

### **REQUEST FOR PRODUCTION #9**

Reference page 10.3-2 of the NEF SAR. Provide any documentation, prepared by or for LES or in LES's possession, in which the validity of conclusion that the AHF and  $\text{CaF}_2$  conversion products would be of sufficient purity that they could be sold for unrestricted use has been evaluated.



### **REQUEST FOR PRODUCTION #10**

Reference page 10.3-2 of the NEF SAR. Provide a copy of the independent new underground mine production cost analysis that confirmed that the LLNL concrete vault alternative costs represent an upper bound for underground mine disposal.

### **REQUEST FOR PRODUCTION #11**

Reference page 10.3-3 of the NEF SAR. Provide a copy of the Urenco contract with a supplier for  $\text{DUF}_6$  to  $\text{DU}_3\text{O}_8$  conversion.

### **REQUEST FOR PRODUCTION #12**

Provide copies of any documents in LES's possession which discuss the process used by the Urenco supplier that has been converting  $\text{DUF}_6$  to  $\text{DU}_3\text{O}_8$  on an industrial scale since 1984

### **REQUEST FOR PRODUCTION #13**

Provide copies of any documents in LES's possession which discuss whether the by products of the conversion process used by the Urenco supplier that has been converting  $\text{DUF}_6$  to  $\text{DU}_3\text{O}_8$  on an industrial scale since 1984 are sufficiently non-contaminated that they can be sold for unrestricted use.

#### **REQUEST FOR PRODUCTION #14**

Provide copies of any documents in LES's possession which discuss the disposal of  $\text{DUF}_6$  from the Urenco plant.

**REQUEST FOR PRODUCTION #15**

Provide copies of any documents in LES's possession which discuss the cost of the disposal of  $\text{DUF}_6$  from the Urenco plant.

**REQUEST FOR PRODUCTION #16**

Provide copies of any documents in LES's possession which discuss the by products of the conversion of  $\text{DUF}_6$  from the Urenco plant to  $\text{DU}_3\text{O}_8$ .

**REQUEST FOR PRODUCTION #17**

Provide copies of any documents in LES's possession that discuss the disposal of by products of the conversion of  $\text{DUF}_6$  from the Urenco plant to  $\text{DU}_3\text{O}_8$ .



### **REQUEST FOR PRODUCTION #18**

Provide copies of any documents in LES's possession which discuss whether the by products of the conversion of  $\text{DUF}_6$  from the Urenco plant to  $\text{DU}_3\text{O}_8$  will be sufficiently non-contaminated that they could be sold for unrestricted use.

**REQUEST FOR PRODUCTION #19**

Provide copies of any workpapers and source documents for the discussions in Environmental Report Section 4.13.3.1.6, Costs Associated with UF<sub>6</sub> Tails Conversion and Disposal.

## **REQUEST FOR PRODUCTION #20**

The statement is made at page 10.3-1 of the NEF SAR that the LLNL report is the most comprehensive assessment of DUF<sub>6</sub> disposition costs for alternative disposition strategies available in the public domain. Provide copies of all other assessments of DUF<sub>6</sub> disposition costs for alternative disposition strategies that have been prepared by or for LES or that are in LES's possession.

**REQUEST FOR PRODUCTION #21**

Provide copies of any documents that discuss LES's current plans for having a conversion plant in operation.

**REQUEST FOR PRODUCTION #22**

Provide copies of any documents that discuss LES's current plans for the date by which a conversion plant will be in operation.

### **REQUEST FOR PRODUCTION #23**

Reference page 10.3-1 of the NEF SAR. Provide the source documents and workpapers for the conclusion that NEF will generate 132,942 MT of depleted uranium over a nominal 30 year operational period.

**REQUEST FOR PRODUCTION #24**

Provide copies of the documents prepared by or for LES or in LES's possession that discuss the projected or anticipated operational life for the NEF.

## **REQUEST FOR PRODUCTION #25**

Provide copies of the documents prepared by or for LES or in LES's possession that analyze, assess or evaluate how LES will dispose of the conversion products if they are not of sufficient purity that they could be sold for unrestricted use.



**REQUEST FOR PRODUCTION #26**

Provide copies of the documents prepared by or for LES or in LES's possession that specify and quantify the additional costs that LES will incur if the conversion products are not of sufficient purity that they could be sold for unrestricted use.

**REQUEST FOR PRODUCTION #27**

Provide copies of any analyses, assessments or evaluations of the potential market for the by products of the conversion of  $\text{DUF}_6$  to  $\text{DU}_3\text{O}_8$ .

## IDENTIFICATION OF EXPERT WITNESS

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Available to be deposed: September 30, 2004, if requested.

Respectfully submitted,

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of )

LOUISIANA ENERGY SERVICES, L.P. )

(National Enrichment Facility) )  
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Docket No. 70-3103-ML

ASLBP No. 04-826-01-ML

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the NEW MEXICO ATTORNEY GENERAL'S INTERROGATORIES have been served upon the following persons by electronic mail, facsimile, and/or first class U.S. mail this 8<sup>th</sup> day of September, 2004:

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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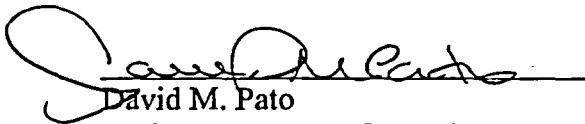
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## Attorney General of New Mexico

**PATRICIA A. MADRID**  
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Chief Deputy Attorney General

**GLENN SMITH**  
Deputy Attorney General

September 9, 2004

Secretary of the Commission  
United States Nuclear Regulatory Commission,  
Attn: Rulemaking and Adjudications Staff  
Washington, D.C. 20555-0001  
Facsimile: (301) 415-1101

Re:           **In the Matter of Louisiana Energy Services, L.P. (National  
Enrichment Facility)**  
              Docket No. 70-3103

Dear Rulemaking and Adjudications Staff:

Enclosed is the original and three copies of the New Mexico Attorney General's Interrogatories, Requests for Production, and Identification of Expert Witness. The New Mexico Attorney General would appreciate it if you would kindly file, endorse and return a copy in the enclosed self-addressed, stamped envelope provided herewith.

Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "David M. Pato".

David M. Pato  
Assistant Attorney General  
New Mexico Attorney General's Office

Enclosures