

RAS 8446

RELATED CORRESPONDENCE

September 9, 2004
DOCKETED 09/10/04

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(National Enrichment Facility)

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Docket No. 70-3103-ML

NRC STAFF'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR ADMISSION TO ATTORNEY GENERAL OF NEW MEXICO

Pursuant to 10 C.F.R. §§ 2.706(b)(1), and 2.708(a), the NRC staff (Staff) hereby requests that the Office of the Attorney General of New Mexico (AGNM) respond to the following interrogatories and requests for admissions.

Each interrogatory shall be answered separately and fully, in writing, and under oath or affirmation and shall include all pertinent information available to the AGNM, its officers, employees, associates, or counsel, based upon their personal knowledge, unless it is objected to, in which event the reasons for objection shall be stated in full. The answers shall be signed by the person making them, and the objections by the attorney making them.

GENERAL INSTRUCTIONS

1. To the extent that the AGNM does not have specific, complete, and accurate information with which to answer any interrogatory, it should so state, and the interrogatory should be answered to the extent information is available, identifying each person who is believed to have accurate information with respect thereto.

2. The words "and" and "or" shall be construed either conjunctively or disjunctively so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

3. The words "you" and "your" shall be construed to mean the AGNM, its officers, employees, associates, or counsel.

4. Wherever appropriate, the singular form of a word shall be interpreted in the plural, and vice versa, so as to bring within the scope of these discovery requests any information that might otherwise be construed to be outside their scope.

DEFINITIONS AND GUIDELINES TO BE USED
IN RESPONDING TO THESE DISCOVERY REQUESTS

A. "LES" means the applicant, Louisiana Energy Services, L.P.

B. "Identify" when used in reference to a natural person means to set forth the following:

1. his/her name;
2. his/her last known residential address;
3. his/her last known business address;
4. his/her last employer;
5. his/her title or position;
6. his/her area of responsibility;
7. his/her business, professional, or other relationship with the State; and
8. If any of the information is changed subsequent to the time period referenced in a particular interrogatory, set forth in the answer, and label appropriately, current information as well as the information applicable to the time period referenced in the interrogatory.

C. "URENCO" means Urenco Investments, Inc.

- D. "DUF6" means depleted uranium hexafluoride.
- E. "HF" means hydrogen fluoride.
- F. "NEF" means the proposed National Enrichment Facility.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person who was consulted and/or who supplied information in preparing the AGNM contentions admitted in this proceeding. Identify all documents, reports, texts, literature or other matters reviewed by such persons in preparing the admitted contentions.

INTERROGATORY NO. 2:

Identify each person who was consulted and/or who supplied information in responding to the requests for admission or interrogatories set forth herein. Indicate for which specific requests for admission, or interrogatories, each person was consulted and/or supplied information. For each such person, identify the individual's occupation, training, and qualifications.

INTERROGATORY NO. 3:

Identify any person you will use as a witness in this proceeding to testify regarding the admitted AGNM contentions. If you rely on any such person as an expert witness, state the details of each witness's education, professional qualifications, and employment history; state the subject matter on which each of the witnesses is expected to testify at the hearing; describe the facts and opinions to which each witness is expected to testify, including a summary of the grounds for each opinion; and identify all documents, data, or other information which each witness has reviewed and considered or is expected to rely on for his or her testimony.

INTERROGATORY NO. 4:

Do you intend to rely on any evidence or testimony presented in a previous proceeding relating to the licensing of a uranium enrichment facility? If so, identify the proceeding and state the nature of the evidence or testimony, including citations to the portions of any transcripts you intend to rely on.

INTERROGATORY NO. 5 (Disposal Cost Estimates)

State all facts that support your contention that the cost estimate developed by LES for the cost of disposing of tails is improperly premised upon information provided by URENCO. Identify all information provided by URENCO which you allege was improperly used by LES.

INTERROGATORY NO. 6 (Disposal Cost Estimates)

State all facts that support your contention that the cost estimate developed by LES for the cost of disposing of tails is improperly premised upon information related to the license application submitted by LES to build and construct a uranium enrichment facility in Louisiana.

INTERROGATORY NO. 7 (Disposal Cost Estimates)

Identify all information used by LES related to its previous Louisiana site application upon which you premise your contention.

INTERROGATORY NO. 8 (Decommissioning Costs)

State all facts that support your contention that the contingency factor used by LES to determine decommissioning costs is inadequate.

INTERROGATORY NO. 9 (Decommissioning Costs)

Identify all aspects of the decommissioning cost estimate to which you allege an inadequate contingency factor has been applied.

INTERROGATORY NO. 10 (Decommissioning Costs)

State what contingency factor you allege is appropriate and state all facts which support the use of that contingency factor. Specify what specific aspects of the cost estimate you allege should be subject to the contingency factor and what contingency factor should be applied to each identified aspect of the cost estimate. State all facts that support your calculation of the contingency factors identified.

INTERROGATORY NO. 11 (Decommissioning Costs)

State all facts that support your contention that LES has included an inadequate capital cost in estimating decommissioning costs.

INTERROGATORY NO. 12 (Decommissioning Costs)

State what cost of capital you allege is appropriate and all facts which support the use of that cost of capital.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Do you admit that if, at the NEF, the DUF6 is converted to U3O8 only by upgrading the HF product to anhydrous HF, no calcium fluoride (CaF2) would be produced?

REQUEST FOR ADMISSION NO. 2:

Do you admit that if, at the NEF, the DUF6 is converted to U3O8 only by upgrading the HF product to anhydrous HF, no magnesium fluoride (MgF2) would be produced?

Respectfully submitted,

/RA/

/RA/

/RA John T. Hull for Lisa B. Clark/

John T. Hull
Angela B. Coggins
Lisa B. Clark
Counsel for NRC Staff

Dated at Rockville, Maryland
this 9th day of September, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

LOUISIANA ENERGY SERVICES, L.P.)

(National Enrichment Facility))

) Docket No. 70-3103

) ASLBP No. 04-826-01-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S FIRST OF INTERROGATORIES AND REQUESTS FOR ADMISSION TO ATTORNEY GENERAL OF NEW MEXICO" in the above-captioned proceedings have been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (*), and by electronic mail as indicated by a double asterisk (**) on this 9th day of September, 2004.

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