

RAS 8618

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

DOCKETED
USNRC

October 4, 2004 (1:39PM)

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 MOTION TO COMPEL RESPONSES
TO INTERROGATORIES BY LOUISIANA ENERGY SERVICES, L.P.**

Pursuant to 10 C.F.R. § 2.705(h), the New Mexico Attorney General ("Attorney General") hereby moves the Licensing Board for an order compelling Louisiana Energy Services, L.P., to answer the remainder of the Attorney General's interrogatories.

Pursuant to 10 C.F.R. § 2.705(h), the undersigned attorney certifies that he has conferred with counsel for LES in an effort to resolve the dispute and that these discussions were not fruitful. LES's objections to the Attorney General's interrogatories will each be addressed in turn. However, at the outset it appears that LES's objections all have a common flaw in that they are based on the unstated premise that discovery must be as narrow as possible and so any ambiguity in the contention or question about the relevance of an interrogatory must be resolved against the proponent. Case-law is to the contrary. Pre-hearing discovery within the scope of contentions should be liberally granted, as under the Federal Rules, and interrogatories need only to be generally relevant.

Template = SECY-041

SECY-02

Louisiana Energy Services (Claiborne Enrichment Center), LBP-93-3, 37 NRC 64, 68 (1993); *Texas Utilities Generating Co. (Commanche Peak Steam Electric Station, Units 1 and 2)*, LBP-81-25, 14 NRC 241, 243 (1981); *Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2)*, LBP-83-17, 17 NRC 490, 494-95 (1983).

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.

LES Response

See LES Response to Interrogatory 5, *supra*, and the objections stated therein, which are incorporated by reference in response to this interrogatory. In this regard, LES further notes that the issue of long-term storage costs was first raised by the AGNM in a reply pleading, and that the Commission affirmed the Licensing Board's decision not to consider that information because it was first submitted as part of a reply pleading. *See Louisiana Energy Servs., L.P. (National Enrichment Facility)*, CLI-04-25, 60 NRC ____ (Aug. 18, 2004) (slip op. at 2-3).

Attorney General's Response

The Attorney General's admitted contention provides:

"The bases for Louisiana Energy Services, L.P.'s cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per kilogram uranium (kgU) estimated by LES utilizing information relating to (1) the Urenco contract; and (2) LES cost estimates developed in connection with its Louisiana application."

Louisiana Energy Servs., L.P. (National Enrichment Facility), LBP-04-14, 60 NRC ____ (July 19, 2004) (slip op. at 2, Appendix A). Even assuming the scope of the admitted contention is confined to LES's cost estimates to the extent they are based on the Urenco contract and the Claiborne proposal, there is no basis for LES's apparent belief that the only evidence that may be admitted in the hearing on this contention is evidence of this contract and proposal. Such a construction of the contention would deprive the Attorney General of her right under 10 C.F.R. § 2.711 and 5 U.S.C. § 556 (d) to present an affirmative case for it would limit the evidence on the contention to what LES itself has proposed to support its position in the application. Clearly, under the

admitted contention the Attorney General is entitled to offer any evidence that undercuts LES's use of these two sources, and is entitled to discovery that will lead to such evidence.

LES inappropriately assumes the term "utilizing," as used by the Licensing Board in admitting the contention, really means "but only because of." Not only does this assumption deprive the Attorney General of her right to present an affirmative case and to obtain discovery designed to elicit evidence related to an affirmative case, as indicated above, but this reads qualifying language into the admitted contention that does not exist. LES presents no evidence that, by using the term "utilizing," the Licensing Board simply decided to focus the Attorney General's contention on LES's use of the Urenco and Claiborne material. Webster's Ninth New Collegiate Dictionary, p. 1300 (1984) defines "utilizing" as "to make use of: turn to practical use or account," and the Attorney General is entitled to discovery to discern how LES makes use of or accounts for the Urenco and Claiborne material so she may be able to present evidence attacking LES's use of them.

Accordingly, this interrogatory is well within the scope of the admitted contention, as it merely inquires as to 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. This interrogatory requests information relating to the costs of long-term storage for the purpose of discerning whether the cost estimates of tails disposition are suspect. The revelation of such information is relevant to the derivation of an accurate estimated cost of tails dispositioning. The determination of an accurate estimated cost of tails disposition is at the core of the Attorney General's admitted contention, i.e. that LES's

cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per KgU estimated by LES.

As indicated above, the Attorney General is entitled to discovery that is designed to lead to evidence about how LES used the Urenco estimate and Claiborne proposal and the validity and sufficiency of these materials to support LES's estimates. However, the validity and sufficiency of these materials cannot be probed without breaking them down into their component parts and the interrogatory merely asks about storage as a possible component part. Moreover, since LES uses average numbers using other materials as well (the LLNL study and UDS contract), it is impossible to examine how the Urenco estimate and Claiborne proposal figured in the averaging without knowing something about the other two sets of materials, in particular whether storage is included, for otherwise the Attorney General cannot be sure LES is not averaging apples with oranges.

Moreover, by incorporation of an earlier objection, LES objects to this interrogatory on the basis that it "requires LES to prepare additional documentation and additional analyses beyond those already prepared and produced, and which are not needed to support LES's position on any particular matter." LES has not demonstrated that identifying and explaining which, if any, of the sources relied upon take into account the costs of long-term storage would require that it prepare additional documentation and additional analyses beyond that already prepared and produced. Logically, it should not. LES must have, for its own purposes, identified which of the sources, if any, it has relied upon in reaching its \$5.50 per KgU dispositional figure takes into account the costs of long-term storage. Additionally, no analyses is required, beyond that which is required for any interrogatory. Consequently, the Attorney General respectfully requests that this

Board issue an order compelling LES to 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.

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.

LES Response

See LES Responses to Interrogatories 5 and 6, supra, and the objections stated therein, which are incorporated by reference in response to this interrogatory.

Attorney General's Response

Again, LES refuses to disclose information that is clearly relevant to the Attorney General's admitted contention. As explained above, however, LES inappropriately assumes the term "utilizing," as used by the Licensing Board in admitting the contention, really means "but only because of," and the Attorney General is entitled to discovery that is designed to lead to evidence about how LES used the Urenco estimate and Claiborne proposal and the validity and sufficiency of these materials to support LES's estimates.

LES's position relative to whether long-term or indefinite storage of the depleted UF6 must be considered in developing cost-estimates for the proposed facility is central to evaluating whether its cost-estimates are suspect and whether the actual cost of dispositioning the tails will exceed \$5.50 per KgU. See Louisiana Energy Servs., L.P. (National Enrichment Facility), LBP-04-14, 60 NRC ____ (July 19, 2004) (slip op. at 2, Appendix A) (admitting contention providing that "[t]he bases for Louisiana Energy Services, L.P.'s cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per kilogram uranium (kgU) estimated by LES utilizing information relating to (1) the Urenco contract; and (2) LES cost estimates developed in connection with its Louisiana application"). Consequently, this interrogatory falls within the scope

of the admitted contention and the Attorney General requests that this Board issue an order compelling LES to substantively respond to this interrogatory.

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.

LES Response

LES objects to this request on the grounds that it (1) is vague and ambiguous in its use of the phrases “governmental, institutional and operational similarities and differences,” (2) seeks information that is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding; (3) seeks information outside the scope of any admitted AGNM contention; and (4) is unduly broad and burdensome. LES also objects to this request on the grounds that it requires LES to prepare additional documentation and additional analyses beyond those already prepared and produced, and which are not needed to support LES’s position on any particular matter. *See* 10 C.F.R. § 2.705(b)(5)(ii).

Attorney General’s Response

LES first objects to the Attorney General’s Interrogatory on the grounds that it “is vague and ambiguous in its use of the phrases ‘governmental, institutional and operational similarities and differences.’” With respect to the governmental similarities and differences, the Attorney General has inquired as to the political, administrative, executive, regulatory, bureaucratic, legal and supervisory similarities and differences between the pilot-scale European facility and its experiences with respect to tails disposition as relied upon by LES as a basis for its cost estimate, and the political, administrative, executive, regulatory, bureaucratic, legal and supervisory similarities and differences of the proposed Eunice, New Mexico facility.

“Operational” is defined as “of or having to do with the operation of a device, system, process, etc.” Webster’s New World Dictionary and Thesaurus, p.433 (1996) (clarifying that the term “operational” may be used interchangeably with the terms “process, formula, procedure”). With respect to this portion of the interrogatory, the

Attorney General seeks information relating to the similarities and differences between the processes and procedures employed in the operation of the European pilot-scale facility relied upon by LES as a basis for its cost estimate and the proposed facility in Eunice, New Mexico.

Additionally, LES's assertion that this comparison would require that it prepare additional documentation and additional analyses beyond that which it has already prepared and produced lends further force to the Attorney General's contention that LES's cost estimates are suspect as it has failed to analyze the various governmental, institutional and operational similarities and differences between a European pilot-scale facility and its costs in dispositioning depleted UF6 and the estimated costs for dispositioning depleted UF6 at its proposed Eunice, New Mexico facility. See NEF Table 10.3-1 ("The average of the three costs [LLNL, UDS Contract, and CEC Cost Estimate] is \$5.24/kg U. LES has selected \$5.50/kg U as the disposal cost for the National Enrichment Facility. Urenco has reviewed this cost estimate and based on its current experience with UF6 disposal finds this figure to be prudent."). If LES is to rely on Urenco's review of the cost estimate and Urenco's "current experience with UF6 disposal," it logically must demonstrate that the Urenco operations, and the attendant governmental, institutional, and operational aspects of those operations, are sufficiently similar to warrant reliance on Urenco's cost estimates. This Board should not condone LES's failure to document and analyze these similarities and differences, yet permit LES to rely on Urenco's review of the cost estimate and Urenco's "current experience with UF6 disposal." If LES has failed in this respect, it should admit it; if there is information bearing on this in its possession it should disclose it.

LES also states that this interrogatory is “broad and burdensome.” In ruling on this challenge, the Board must consider whether the interrogatory is unduly broad and burdensome given the amount in controversy and the importance of the issues at stake in this litigation. 10 C.F.R. § 2.705(g)(2)(3). Considering LES’s license application regards the construction of a facility that will cost over one billion dollars within the State of New Mexico, that LES intends to generate 132,942 MT of depleted uranium over its 30 year operational life, and that LES has yet to demonstrate that its reliance on Urenco’s review of its cost estimate is reasonable, a request for information regarding the governmental, institutional and operational similarities and differences between the Urenco facility in the Netherlands and the proposed facility in Eunice, New Mexico is both relevant to the Attorney General’s contention and, in light of the amount in controversy and the importance of the issues at stake in this litigation, the burden to be imposed on LES is nominal, requiring LES either to disclose what it has already done before placing reliance on Urenco’s review, or simply admit it did nothing.

Accordingly, the Attorney General respectfully requests that the Board issue an order compelling LES to produce all existing documentation and analysis relating to Interrogatory #8. In the alternative, if LES specifically admits that it has not prepared documentation and analyses with respect to the subject matter of this interrogatory, the Attorney General respectfully requests that LES not be permitted to premise the validity of its cost estimate upon Urenco’s review of the cost estimate and Urenco’s “current experience with UF6 disposal” until such time that it can demonstrate that it has undertaken a full and complete evaluation of those similarities and differences between a European pilot-scale facility and its proposed facility in the United States.

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.

LES Response

See LES Responses to Interrogatory 8, *supra*, and the objections stated therein, which are incorporated by reference in response to this interrogatory.

Attorney General's Response

LES objects, by incorporation of an earlier objection, to the Attorney General's Interrogatory on the grounds that it "is vague and ambiguous in its use of the phrases 'governmental, institutional and operational similarities and differences.'" In support of Interrogatory No. 9, the Attorney General incorporates the argument in support of Interrogatory No. 8 above.

INTERROGATORY NO. 10

State whether LES currently has a disposal contract in place for the expected depleted UF₆ from the NEF.

LES Response

LES objects to this request on the grounds that it (1) seeks information that is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding, and (2) seeks information outside the scope of any admitted AGNM contention. Specifically, the scope of contention AGNM TC-ii is limited to LES's use of information from (1) "the Urenco contract" and (2) LES cost estimates developed in connection with the Claiborne Enrichment Center license application. Louisiana Energy Servs., L.P. (National Enrichment Facility), LBP-04-14, 60 NRC ____ (July 19, 2004) (slip op. at 2, Appendix A). LES also objects to this request on the ground that it lacks a legal or regulatory foundation, insofar as the "plausible strategy" standard does not require LES to identify a specific disposal site or to enter into a "disposal contract." See "Answer of Louisiana Energy Services, L.P. to the New Mexico Environment's Request for Hearing and Petition for Leave to Intervene" (Apr. 19, 2004), at 22, 27-29. Cf. *Louisiana Energy Servs., L.P.* (National Enrichment Facility), CLI-04-25, 60 NRC ____ (Aug. 18, 2004) (slip op. at 4) ("While a 'plausible strategy' for private conversion of the tails does not mean a definite or certain strategy, to include completion of all necessary contractual arrangements, it must represent more than mere speculation."). Notwithstanding and without waiving these objections, if LES decides to utilize a deconversion facility to dispose of its DUF6 and rely upon that fact in this proceeding, then LES will provide necessary responses to relevant requests for interrogatories, documentation, and requests for document production.

Attorney General's Response

Once again, LES inappropriately construes the admitted contention, and the Attorney General incorporates the argument on Interrogatory No. 6. Any current disposal contracts may have cost information that is relevant to the derivation of an accurate estimated cost of tails dispositioning. The determination of an accurate estimated cost of tails disposition is at the core of the Attorney General's admitted contention, i.e. that

LES's cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per KgU estimated by LES.

Additionally, LES objects to this interrogatory on the ground that "it lacks a legal or regulatory foundation, insofar as the 'plausible strategy' standard does not require LES to identify a specific disposal site or to enter into a 'disposal contract.'" The Attorney General merely requests that LES state whether it currently has a disposal contract in place for the expected depleted UF₆ from the NEF, such that would permit the parties to develop a more accurate estimate of the costs of dispositioning the tails. At this stage in the proceeding, the Attorney General is well aware that the Nuclear Regulatory Commission has determined that the "plausible strategy" standard does not require LES to identify a specific disposal site or to enter into a disposal contract, but rather requires that LES produce more than mere speculation as to a disposal strategy. See Louisiana Energy Servs., L.P. (National Enrichment Facility), CLI-04-25, 60 NRC ____ (Aug. 18, 2004) (slip op. at 4) ("While a "plausible strategy" for private conversion of the tails does not mean a definite or certain strategy, to include completion of all necessary contractual arrangements, it must represent more than mere speculation.") (emphasis added). But surely, if there were contracts, LES would use them to support "plausibility," and the absence of a contract is relevant to "plausibility" even if it is not dispositive. Moreover, it must be recognized that information relating to a disposal contract would assist in developing an accurate cost estimate for tails disposition, and consequently falls within the scope of the Attorney General's admitted contention. Information relating to a disposal contract would assist in developing an accurate cost estimate for tails disposition, and consequently falls within the scope of the Attorney General's admitted

contention. Accordingly, the Attorney General requests that the Board issue an order compelling LES to respond to this interrogatory.

INTERROGATORY NO. 11

Please explain whether LES currently plans to convert depleted UF₆ on an ongoing basis while the NEF is in operation and, if not, why.

LES Response

LES objects to this request on the grounds that it (1) seeks information that is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding, and (2) seeks information outside the scope of any admitted AGNM contention. Specifically, the scope of contention AGNM TC-ii is limited to LES's use of information from (1) "the Urenco contract" and (2) LES cost estimates developed in connection with the Claiborne Enrichment Center license application. Louisiana Energy Servs., L.P. (National Enrichment Facility), LBP-04-14, 60 NRC ____ (July 19, 2004) (slip op. at 2, Appendix A). Whether LES intends to convert UF₆ "on an ongoing basis" is irrelevant to the admitted contention. Notwithstanding and without waiving these objections, if LES decides to utilize a deconversion facility to dispose of its DUF₆ and reply upon that fact in this proceeding, then LES will provide necessary responses to relevant requests for interrogatories, documentation, and requests for document production.

Attorney General's Response

Again, LES inappropriately construes the admitted contention. This interrogatory is well within the scope of the admitted contention, as it merely inquires as to 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. The revelation of such information is relevant to the derivation of an accurate estimated cost of tails dispositioning. The determination of an accurate estimated cost of tails disposition is at the core of the Attorney General's admitted contention, i.e. that LES's cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per KgU estimated by LES.

Based on its erroneous construction of the Attorney General's contention, LES states that "[w]hether LES intends to convert UF₆ "on an ongoing basis" is irrelevant to

the admitted contention. Here again, the Attorney General must respectfully disagree. LES's intentions with respect to ongoing conversion bears a direct impact on the cost estimates to be reached, particularly considering that conversion is a significant portion of each of the estimates that have been averaged by LES in support of its \$5.50 per KgU dispositional figure. Accordingly, the Attorney General requests that the Board issue an order compelling LES to respond to the Attorney General's interrogatory.

INTERROGATORY NO. 12

Provide all evidence that supports the belief that the CaF_2 conversion products will be of sufficient purity that they could be sold for unrestricted use.

LES Response

See LES Responses to Interrogatory 11, supra, and the objections stated therein, which are incorporated by reference in response to this interrogatory. Whether CAF_2 will be of sufficient purity to permit its resale is irrelevant to the admitted contention.

Attorney General's Response

Again, LES inappropriately construes the admitted contention and the Attorney General incorporates the argument in support of Interrogatory No. 6. This interrogatory is well within the scope of the admitted contention, as it merely inquires as to 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. The revelation of such information is relevant to the derivation of an accurate estimated cost of tails dispositioning. The determination of an accurate estimated cost of tails disposition is at the core of the Attorney General's admitted contention, i.e. that LES's cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per KgU estimated by LES.

Based on its erroneous construction of the Attorney General's contention, LES objects, stating that "[w]hether CAF_2 will be of sufficient purity to permit its resale is irrelevant to the admitted contention." Again, the Attorney General must respectfully disagree. Whether CAF_2 will be of sufficient purity to permit its resale bears a direct impact on the cost estimates to be reached, particularly considering whether the CAF_2 will need to be dispositioned in addition to the other components of the tails, which in

turn will affect LES's \$5.50 per KgU dispositional figure. Accordingly, the Attorney General requests that the Board issue an order compelling LES to respond to the Attorney General's interrogatory.

Based on its erroneous construction of the Attorney General's contention, LES objects, stating that "[w]hether CAF2 will be of sufficient purity to permit its resale is irrelevant to the admitted contention." However, whether CAF2 will be of sufficient purity to permit its resale bears a direct impact on the cost estimates to be reached, particularly considering whether the CAF2 will need to be dispositioned in addition to the other components of the tails, which in turn will affect LES's \$5.50 per KgU dispositional figure. Accordingly, the Attorney General requests that the Board issue an order compelling LES to respond to the Attorney General's interrogatory.

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 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.

LES Response

See LES Responses to Interrogatory 11, supra, and the objections stated therein, which are incorporated by reference in response to this interrogatory. LES also objects to this request on the grounds that it requires LES to prepare additional documentation and additional analyses beyond those already prepared and produced, and which are not needed to support LES's position on any particular matter. See 10 C.F.R. § 2.705(b)(5)(ii).

Attorney General's Response

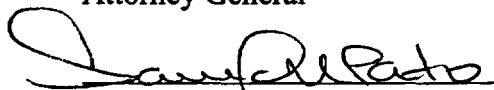
Again, LES inappropriately construes the admitted contention and the Attorney General incorporates the argument in support of Interrogatory No. 6. This interrogatory is well within the scope of the admitted contention, as it merely inquires as to which, if any, of the sources relied upon in calculating 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. The revelation of such information is relevant to the derivation of an accurate estimated cost of tails dispositioning. The determination of an accurate estimated cost of tails disposition is at the core of the Attorney General's admitted contention, i.e. that LES's cost estimates are suspect and the actual cost of disposing of tails will exceed the \$5.50 per KgU estimated by LES.

Based on its erroneous construction of the Attorney General's contention, LES objects to this interrogatory, incorporating an earlier objection that an inquiry as to 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 and a request to 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 is irrelevant to the admitted contention. Again, the Attorney General must respectfully disagree. Information as to how LES intends to dispose of the products of conversion if those products are not of sufficient purity that they could be sold for unrestricted use and its attendant cost again bears a direct impact on the cost of tails disposition and its cost estimates. Clearly, if these byproducts of conversion are not able to be sold for unrestricted use, LES will be responsible for yet additional costs, which, in turn, will affect the overall costs of tails disposition. Consequently, this information will facilitate a determination by this Board of whether LES's cost estimates are suspect and whether the actual costs of tails disposition will exceed the \$5.50 per KgU estimated by LES. Accordingly, the Attorney General requests that the Board issue an order compelling LES to respond to the Attorney General's interrogatory.

Respectfully submitted,

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

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Paul B. Abramson
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In the Matter of)

LOUISIANA ENERGY SERVICES, L.P.)

(National Enrichment Facility))

Docket No. 70-3103-ML

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CERTIFICATE OF SERVICE

I hereby certify that copies of the NEW MEXICO ATTORNEY GENERAL'S RESPONSE TO LOUISIANA ENERGY SERVICES, L.P.'S OBJECTIONS TO INTERROGATORIES have been served upon the following persons by electronic mail, facsimile, and/or first class U.S. mail this 4th day of October, 2004:

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October 4, 2004

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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 Motion to Compel Responses to Interrogatories by Louisiana Energy Services, L.P. The New Mexico Attorney General would appreciate it if you would kindly file, endorse and return a copy of each in the enclosed self-addressed, stamped envelope provided herewith.

Thank you for your assistance.

Sincerely,

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

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

Enclosures