

RAS 8711

RELATED CORRESPONDENCE

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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

Docket No. 70-3103

Louisiana Energy Services, L.P.
National Enrichment Facility

ASLBP No. 04-826-01-ML

**INTERROGATORIES AND DOCUMENT REQUEST
BY PETITIONERS
NUCLEAR INFORMATION AND RESOURCE SERVICE
AND
PUBLIC CITIZEN
TO COMMISSION STAFF**

The following interrogatories and document requests to the Staff of the Nuclear Regulatory Commission are propounded after consultation with counsel and by agreement that the discovery sought is permissible under 10 CFR 2.709.

Petitioners, Nuclear Information and Resource Service and Public Citizen ("NIRS/PC"), hereby request that the Staff of the Nuclear Regulatory Commission ("NRC Staff") answer the following interrogatories separately and fully in writing under oath within 14 days after service of this request. NIRS/PC also request that NRC Staff submit a written response to this request for production of documents and provide access for inspection and copying by undersigned counsel to the documents responsive to the requests herein within 30 days after service of this request. Each of the following requests is a continuing one pursuant to 10 CFR Sections 2.706(b) and 2.707, and NIRS/PC hereby demand that, in the event that at any later date NRC Staff obtain or discover any additional information which is responsive to these interrogatories

Template = SECY-035

SECY-02

and this request for production of documents, NRC Staff shall supplement its responses to this request promptly and sufficiently in advance of hearing.

If NRC Staff withhold any document covered by this request under a claim of privilege, immunity, or other protection, please furnish a list identifying each document for which such privilege, immunity, or other protection is asserted, together with the following information as to each document: date, author, recipient, recipients of copies, and the job title of any such persons, the subject matter of the document, the basis for asserting the privilege, immunity, or other protection, and the identity of the person on whose behalf the privilege, immunity, or other protection is asserted.

Definitions:

- a. "Document" means the original and any nonidentical copies of all written, printed, typed, recorded, graphic, photographic, or electronic media however produced or reproduced and wherever located, over which you have possession, custody or control or over which you have the right to assert possession, custody or control. The term "document" includes, but is not limited to, records, correspondence, memoranda, reports, telegrams, telexes, wire communications, diaries, notes, minutes, instructions, demands, data, schedules, notices, recordings, analyses, sketches, manuals, brochures, calendars, ledgers, invoices, charts, drafts, computer tapes, computer discs, microfilm, microfiche, blueprints, drawings, contracts, agreements, files, and any other written or graphic matter.
- b. "Describe" shall mean:

- i. In connection with a person, state the name, last known home and business address, last known home and business telephone number (including mobile phones), and last known place of employment and job title;
 - ii. In connection with a document, give a description sufficient to identify uniquely the document, including the author, date, title, caption, the name of the signatory and addressee and any recipients of copies, the file source, and the general subject matter;
 - iii. In connection with an action or communication, describe the date of the occurrence, the persons present, and any documents referring to the occurrence.
- c. "NEF" shall mean the proposed National Enrichment Facility, which is the subject of this proceeding.
 - d. "Person" includes any individual, association, corporation, partnership, joint venture, or any other business, legal, or governmental entity.

Interrogatories

1. The DEIS includes a schedule for generation of DUF_6 (at 2-17) and states that all DUF_6 would be disposed of before the site is decommissioned (at 2-27) in 2036 (at 2-2). The DEIS also states that UBCs containing DUF_6 would be temporarily stored on the UBC Storage Pad until a conversion facility is available, and storage of UBCs could occur for up to 30 years on the UBC Storage Pad (at 4-52). The DEIS also states that the proposed maximum DUF_6 inventory for the NEF, if processed at DOE facilities, could extend the

time of operation of the Paducah facility for 11 years or the Portsmouth facility for 15 years. (at 4-56). Please state your best estimate of the length of time some DUF_6 would remain in storage at the NEF site prior to deconversion, if it were planned to deconvert such DUF_6 at a DOE facility in (a) Paducah or (b) Portsmouth, in view of the fact that the Paducah plant is scheduled to operate for about 25 years beginning in 2006, and the Portsmouth plant is scheduled to operate for about 18 years beginning in 2006, in deconverting DUF_6 generated by the DOE gaseous diffusion plants. (at 4-55, 4-56). Please state what quantities of DUF_6 would be in storage at the NEF in each year until all DUF_6 will have been removed.

2. The DEIS refers to the possibility that the Portsmouth conversion facility could begin processing the DUF_6 accumulated at the NEF in 2026 and have nearly all of the accumulated UBCs processed by 2038 (at 7-4, 7-5). Please state the maximum quantities of DUF_6 that, under that scenario, would remain at the NEF in each year from the start of NEF operations to the removal of the last UBC.
3. Please state the basis for the assumption in the DEIS (at 2-28) that the proposed private conversion facility would be using the same technology adapted for use by DOE in its conversion facilities and describe any documents supporting such assumption.
4. At page 2-27 of the DEIS, the statement is made that NRC assumes that depleted uranium from the NEF will be disposed of as waste. Please state the facts considered by NRC in making that assumption, and describe all documents reviewed in making that determination.
5. At pages 2-27 and 2-31 of the DEIS the statement is made that DUF_6 in the form of U_3O_8 can be considered a Class A low-level radioactive waste. Please state the facts

considered by NRC in making that determination, and describe all documents reviewed by NRC in making that determination.

6. Please state whether NRC has conducted any environmental impact analysis in making the determination that depleted uranium from the NEF would be class A low-level radioactive waste. Please describe any documents concerning or reflecting such analysis.
7. The DEIS states that, depending on the quantity of DUF_6 material to be deposited, additional environmental impact evaluations of the proposed disposal site (a licensed low-level radioactive waste disposal facility) may be required (at 2-31; see also 4-58). Please state what quantity of DUF_6 may require such additional evaluation and how such quantity is determined and describe any documents concerning the statement referred to.
8. Of the disposal sites listed on pages 2-31, 2-32, and 4-56 of the DEIS, please state which ones would require additional environmental impact evaluations of the proposed disposal site if the bulk of the DUF_6 from the NEF is to be disposed at such site (a) after conversion in a private conversion facility or (b) after conversion in a DOE facility.
9. Please describe any documents reflecting the assessments referred to in the statement: "The environmental impacts at the shallow disposal sites considered for disposition of low-level radioactive wastes would have been assessed at the time of the initial license approvals of these facilities." (DEIS at 4-58).
10. With regard to the estimate of the impact of disposal of the converted waste, set forth at pages 4-58 through 4-59 (sec. 4.2.14.4 and Table 4-19) of the DEIS, please describe in full the models used to develop such estimate, each parameter used in modeling, and identify the source of each parameter, with references. Please describe any documents concerning such estimate.

11. With regard to the estimate of the impact of the Site Stormwater Detention Basin set forth at page 4-13 of the Draft Environmental Impact Statement, NUREG-1790, please state in full the model used to develop such estimate, describe each parameter used in modeling, and identify the source of each parameter, with references. Please describe any documents concerning such estimate.
12. With regard to the estimate of the impact from the septic systems set forth at page 4-14 of the Draft Environmental Impact Statement, NUREG-1790, please state in full the model used to develop such estimate, describe each parameter used in modeling, and identify the source of each parameter, with references. Please describe any documents concerning such estimate.

Document request

Please produce each document described or identified in response to the interrogatories set forth above.

Respectfully submitted,



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October 21, 2004

CERTIFICATE OF SERVICE

Pursuant to 10 CFR § 2.305 the undersigned attorney of record certifies that on October 21, 2004, the foregoing Interrogatories and Document Request by Petitioners Nuclear Information and Resource Service and Public Citizen to Commission Staff was served by electronic mail and by first class mail upon the following:

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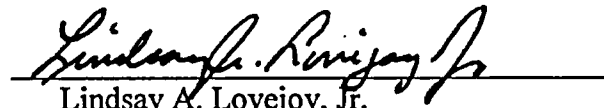
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Attention: Rulemakings and Adjudications Staff (original and two copies)

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