

NIRS / PC EXHIBITS

Volume 6

Louisiana Energy Services, L.P.

Dkt. No. 70-3103

ASLBP No. 04-826-01-ML

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ADJUDICATIONS STAFF

Docket No. 70-3103-ML

December 20, 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-ML

ASLBP No. 04-826-01-ML

LOUISIANA ENERGY SERVICES, L.P.
RESPONSE TO NUCLEAR INFORMATION AND
RESOURCE SERVICE AND PUBLIC CITIZEN INTERROGATORIES

U.S. NUCLEAR REGULATORY COMMISSION
In the Matter of LOUISIANA ENERGY SERVICES, L.P.
Docket No. 70-3103-ML Official Edition No. 76
OFFERED by: Applicant/Licensee Intervenor NERS/PC
NRC Staff Other
IDENTIFIED on _____ Witness/Panel
Action Taken: ADMITTED REJECTED WITHDRAWN
Reporter/Clerk _____

On December 14, 2004, Nuclear Information and Resource Service and Public Citizen ("NIRS/PC") filed interrogatories directed to applicant Louisiana Energy Services, L.P. ("LES") related to the amended contentions admitted by the Board on November 22, 2004 ("Memorandum and Order (Ruling on Late-Filed Contentions)"). LES herein provides responses to the NIRS/PC interrogatories.

1. *With respect to amendments to NIRS/PC contention EC-1, found admissible by the Atomic Safety and Licensing Board (the "Board") in its ruling dated November 22, 2004, including the text of the contention and bases thereof, please state:*

a. *The name, address, profession, employer, and area of professional expertise of each person whom LES expects to call as a witness, including any expert witness at the hearing.*

Answer: This information was previously provided by LES in its filing of November 24, 2004, "Louisiana Energy Services L.P. 2.704(b) Expert Testimony Disclosures Relating to General Schedule Environmental Contentions", and in the deposition of George A. Harper and Roger L. Peery, conducted on September 17, 2004.

b. *The educational and scientific expertise of each witness.*

Answer: See answer to a. above.

c *The subject matter on which each of the witnesses is expected to testify.*

Answer: The subject matter of the testimony on which each of the witnesses is expected to testify was identified in the deposition of the witnesses referred to in a, above. With respect to the amendments to NIRS/PC contention EC-1 found admissible by the Board in its ruling of November 22, 2004, the witnesses will testify on the following subjects:

Mr. Harper will testify on Basis A (formation of perched bodies of groundwater resulting from leakage from stormwater detention basin and septic leach fields), Basis B (liner leakage) and Basis E (presence of, and monitoring for, contaminants in stormwater basin).

Mr. Peery will testify on Basis A (formation of perched bodies of groundwater resulting from leakage from stormwater detention basin and septic leach fields), Basis C (presence of moisture in two borings), and Basis D (permeability measurements of site).

d *The substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or will otherwise use for his testimony.*

Answer: The substance of the facts and opinions as to which each witness is expected to testify and a summary of the grounds for each opinion is as follows:

The substance of Mr. Harper's testimony on Basis A (formation of perched bodies of groundwater resulting from leakage from stormwater detention basin and septic fields) is set forth in the September 17, 2004 deposition of Mr. Harper (*see, generally*, pp. 114-117). In addition, see response to question 3 of the "Applicant's Objections and Responses to Interrogatories from Nuclear Information and Resource Service and Public Citizen (September 23, 2004) (the "September 23 Interrogatory Responses"). The documents upon which Mr. Harper expects to rely are generally identified in the response to question 3 of the September 23

Interrogatory Responses. Specific exhibits to be relied upon by Mr. Harper will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

The substance of Mr. Harper's testimony on Basis B (liner leakage) is set forth in the September 17, 2004 deposition of Mr. Harper (*see, generally*, pp. 12-13, 37-48, 58-62, 117-118) September 23 Interrogatory Responses (*see* responses to questions 4 and 5). The documents upon which Mr. Harper expects to rely are generally identified in the response to questions 4 and 5 in the September 23 Interrogatory Responses. Specific exhibits to be relied upon by Mr. Harper will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

The substance of Mr. Harper's testimony on Basis E (presence of, and monitoring for, contaminants in stormwater basin) is set forth in the September 17, 2004 deposition of Mr. Harper (*see, generally*, pp. 12, 50-52, 103-104). In addition, see responses to questions 6 and 10 of the September 23 Interrogatory Responses. The documents upon which Mr. Harper expects to rely are generally identified in the response to question 6 of the September 23 Interrogatory Responses. Specific exhibits to be relied upon by Mr. Harper will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

The substance of Mr. Peery's testimony on Basis A (formation of perched bodies of groundwater resulting from leakage from stormwater detention basin and septic fields) is set forth in the September 17, 2004 deposition of Mr. Peery (*see, generally*, pp. 13-33, 52-58, 65-79, and 109-111). In addition, see responses to questions 6, 8, 9, and 11-17 of the September 23 Interrogatory Responses. The documents upon which Mr. Peery expects to rely are generally identified in the responses to questions 6, 8, 9, and 11-17 of the September 23 Interrogatory Responses. Specific exhibits to be relied upon by Mr. Peery will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

The substance of Mr. Peery's testimony on Basis C (the presence of moisture in two borings) is set forth in the September 17, 2004 deposition of Mr. Peery (*see, generally*, pp. 13-33). In addition, see response to question 7 of the September 23 Interrogatory Responses. The documents upon which Mr. Peery expects to rely are generally identified in the response to question 7 of the September 23 Interrogatory Responses. Mr. Peery also expects to rely on "Hydrogeochemistry and Water Resources of the Triassic Lower Dockum Group in the Texas Panhandle and Eastern New Mexico", Dutton and Simpkins (1986). A copy of this document is being provided under separate cover today. Specific exhibits to be relied upon by Mr. Peery will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

The substance of Mr. Peery's testimony on Basis D (permeability measurements of site) is set forth in the September 17, 2004 deposition of Mr. Peery (*see, generally*, pp. 13-33, 52-58, 65-79, and 109-111). In addition, see response to questions 2-4, 8-17 of the September 23 Interrogatory Responses. The documents upon which Mr. Peery expects to rely are generally identified in the responses to questions 2-4, and 8-17 of the September 23 Interrogatory Responses. Specific exhibits to be relied upon by Mr. Peery will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

2. *With respect to amendments to NIRS/PC contention EC-2, found admissible by the Atomic Safety and Licensing Board (the "Board") in its ruling dated November 22, 2004, including the text of the contention and bases thereof, please state:*

a. *The name, address, profession, employer, and area of professional expertise of each person whom LES expects to call as a witness, including any expert witness at the hearing.*

Answer: This information was previously provided by LES in its filing of November 24, 2004, "Louisiana Energy Services L.P. 2.704(b) Expert Testimony Disclosures Relating to General Schedule Environmental Contentions", and in the deposition of Roger L. Peery, George

R. (Randy) Campbell, Tim Woomer, Len Stokes, and Rod Krich conducted on September 17, 2004.

b. *The educational and scientific expertise of each witness.*

Answer: See answer to a. above

c. *The subject matter on which each of the witnesses is expected to testify.*

Answer: This information was provided by each witness in the deposition conducted on September 17, 2004.

d. *The substance of the facts and opinions to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or will otherwise use for his testimony.*

Answer: This information was provided by each witness in the deposition conducted on September 17, 2004. With respect to the amendment to NIRS/PC contention EC-2 found admissible by the Board in its ruling of November 22, 2004, Mr. Campbell will testify as to the water needs of the National Enrichment Facility. See, generally, answer to question 19 in September 23 Interrogatory Responses. Messrs. Stokes, Woomer, and Peery will testify as to the impact of the National Enrichment Facility, given the requisite water needs, on the available water supply. The substance of the facts and opinions as to which these witnesses will testify is set forth in the September 17, 2004 deposition of the witnesses. Specific exhibits to be relied upon by Mr. Harper will be identified in accordance with 10 C.F.R. Section 2.704(c)(iii).

3. *With respect to amendments to NIRS/PC contention EC-4, found admissible by the Atomic Safety and Licensing Board, (the "Board") in its ruling dated November 22, 2004, including the text of the contention and bases thereof, please state:*

a. *The name, address, profession, employer and area of professional expertise of each person whom LES expects to call as a witness, including any expert witness at the hearing.*

Answer: This information was previously provided by LES in its filing of November 24, 2004, "Louisiana Energy Services, L.P. 2.704(b) Expert Testimony Disclosures Relating to General Schedule Environmental Contentions", and in the deposition of Rod Krich conducted on October 12, 2004 and Paul G. Schneider conducted on October 4, 2004.

b. The educational and scientific expertise of each witness.

Answer: See answer to a. above.

c. The subject matter of the testimony on which each of the witnesses is expected to testify.

Answer: The subject matter of the testimony of Mr. Krich was identified in the deposition conducted on October 12, 2004. Mr. Krich will be testifying about the size, location, and process for a private-sector deconversion facility in the event that LES elects to pursue this option. He will also be testifying that Rev. 2 of the Environmental Report addresses the environmental impacts of constructing and operating a deconversion facility. Mr. Schneider will be testifying as to the analyses of the environmental impacts of constructing and operating a deconversion facility undertaken by the Department of Energy and the scope of those analyses relative to the deconversion options under consideration by LES.

d. The substance of the facts and opinions as to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or otherwise use for his testimony.

Answer: The substance of Mr. Krich's testimony is set forth in the October 12, 2004 deposition of Mr. Krich. He will testify that no location has been selected for the construction of a private sector deconversion facility. He will testify that no decision has been made by LES as to the specific process that will be employed for deconverting depleted uranium hexafluoride to depleted U_3O_8 . He will testify that if private sector deconversion facility is pursued, it will need

to be of sufficient size to deconvert the depleted uranium hexafluoride generated by the National Enrichment Facility. The documents upon which Mr. Krich expects to rely include the Environmental Report (Rev. 2) for the National Enrichment Facility and NUREG-1520. Specific exhibits to be relied upon by Mr. Krich will be identified in accordance with 10 C.F.R. 2.704(c)(iii).

The substance of Mr. Schneider's testimony will be that the environmental analyses of the impacts of constructing and operating a private sector deconversion facility have been adequately examined by the Department of Energy in the "Final Programmatic Environmental Impact Statement for Alternative Strategies for the Long-Term Management and Use of Depleted Uranium Hexafluoride (DOE/EIS-0269) (April 1999) and the Final Environmental Impact Statements for Construction and Operation of a Depleted Uranium Hexafluoride Conversion Facility at the Portsmouth Ohio Site (DOE/EIS-0360) (June 2004) and Paducah, Kentucky (DOE/EIS-0359) (June 2004). He will further testify that these analyses adequately bound the environmental impacts of constructing and operating a private sector deconversion facility. The documents upon which Mr. Schneider expects to rely include DOE/EIS 0269, DOE/EIS-0360, and DOE/EIS-0359. Specific exhibits to be relied upon by Mr. Schneider will be identified in accordance with 10 C.F.R. 2.704(c)(iii).

4. *With respect to amendments to NIRS/PC contention EC-5/TC-2, found admissible by the Atomic Safety and Licensing Board (the "Board") in its ruling dated November 22, 2004, including the text of the contention and bases thereof, please state:*

a. *The name, address, employer, and area of professional expertise of each person whom LES expects to call as a witness, including any expert witness at the hearing.*

Answer: This information was previously provided in depositions conducted on October 4, 2004. In the event that LES identifies additional expert witnesses beyond those identified on

October 4, 2004, LES will disclose the identify of those witnesses in accordance with 10 C.F.R. 2.704(b).

b. The educational and scientific expertise of each witness.

Answer: See answer to a. above.

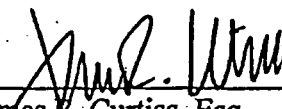
c. The subject matter on which each of the witnesses is expected to testify.

Answer: The subject matter on which each of the witnesses is expected to testify was identified in a deposition of the witnesses conducted on October 4, 2004.

d. The substance of the facts and opinions as to which each witness is expected to testify and a summary of the grounds for each opinion, including the documents and all pertinent pages or parts thereof upon which each witness will rely or otherwise use for his testimony.

Answer: The substance of the facts and opinions as to which each witness is expected to testify and a summary of the grounds for each opinion was identified in a deposition of the witnesses conducted on October 4, 2004. Specific exhibits to be relied upon by Mr. Harper will be identified in accordance with 10 C.F.R Section 2.704(c)(iii).

Respectfully submitted,



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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

(National Enrichment Facility)

ASLBP No. 04-826-01-ML

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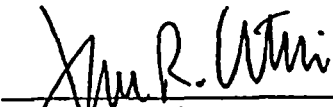
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