From: Timothy Johnson
To: PHILLIP BARR
Date: 10/14/05 1:15PM
Subject: Re: Louisiana Energy services

We are responding to your recent communication dated September 20, 2005, in which you raised the two issues discussed below:

(1) Adequacy of Decommissioning and Decontamination Funding

LES is responsible for paying for the cleanup of its proposed NEF. LES is currently proposing to operate only in New Mexico, but would be responsible for remediation of any contamination resulting from operation of its facility regardless of the State in which the contamination is located. The LES estimate for decommissioning includes decontamination of buildings and equipment and costs for dispositioning all the depleted uranium generated during the 30-year lifetime of the plant. LES is proposing to use a surety bond, one of the acceptable mechanisms for assuring the availability of decommissioning funds, to meet the NRC decommissioning financial assurance requirements. The surety bond can be used if LES goes into bankruptcy.

(2) Radioactive Waste Disposal

Under the settlement agreement with the State of New Mexico, LES has made certain commitments regarding the disposal of depleted uranium which are independent of the NRC's licensing requirements and, as such, are not subject to oversight by the NRC.

>>> "PHILLIP BARR" <pharb2@msn.com> 09/20/05 9:36 AM >>>

If Louisiana Energy Services operates in New Mexico and Texas, is it adequately funded to handle cleanups in both states? Whats to keep them from going chapter 11 in case of expensive cleanups or water table contamination in either state? Leaving both states with either a cleanup bill or piles of nuclear waste.

Would the DOE and the NRC go on record as saying the Les nuclear waste would be disposed of out-of state and that there would be no exclusions in the future to this by any government agency or Congress? Would Attorney General Madrid go on record as well?

Ladies and Gentleman, where is the State of New Mexico headed?
If you were looking to move or locate a business in a western state would you locate where :
1. one political parties major concern was the gas mileage of the governors jet
2. current state and past state employees were under arrest by the FBI for racketeering
3. Governor who may be waiting to be nominated for President and not too concerned about the state right now.
4. politicians trying to attract an industry (Les) , that would probably leave the taxpayers with a cleanup bill, health problems and a nuclear waste dump.

Louisiana Energy services got run out of two states because Louisiana and Tennessee took a look at the long term effects of Les on their respective states and decided the "quick bucks " Les offered were not worth it.

Will we?

Phillip Barr
Lea County Republican

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Subject: Re: Louisiana Energy services
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From: Timothy Johnson

Created By: TCJ@nrc.gov

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