

Lindsay A. Lovejoy, Jr.
attorney-at-law

DOCKETED
USNRC

February 13, 2006 (4:16pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

7 February 2006

G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Paul B. Abramson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Charles N. Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In re Louisiana Energy Services, L.P., Dkt. No. 70-3103; ASLBP No. 04-826-01-ML

Dear Administrative Judges:

It has come to our attention that one page of NIRS/PC Ex. 275, volume 2 of the Draft Environmental Impact Statement for 10 CFR Part 61, contains a page that was defectively copied. A correct copy of that page (page 4-48) is enclosed. We request, if there is no objection, that the corrected page be inserted into the official copies of this exhibit.

I apologize for this copying mistake and hope that it can be rectified by this method.

Very truly yours,



Lindsay A. Lovejoy, Jr.

cc: All Counsel (w/enc.)
Office of the Secretary (w/enc.)

4-48

- o Access to a disposal site can be controlled to restrict entry. For example, the site can be surrounded by a fence or other barrier to human or livestock intrusion. This barrier can be posted with warnings not to intrude upon the site. In addition, the site can be under routine surveillance by regulatory and/or law enforcement agencies to assure continued integrity of the fence and to inspect for possible disturbance.
- o Controlled productive use of the site surface--for example, construction of a golf course--can be carried out under regulatory agency licensed control. In such instances, access to the site can be patrolled or otherwise restricted by those licensed to use the site. Controlled productive site use could also result in income which may partially off-set administrative costs incurred by the licensed custodial agency.
- o Periodic inspection of the disposal site and monitoring for potential ground-water releases can be performed by a regulatory or other governmental agency. (The act of monitoring and inspection necessarily implies an understanding of the potential hazards contained within the site.)

This period of time can be termed a period of active observation. Gradually, however, such active means of institutional controls are anticipated to decrease. The interval between inspections lengthens. As regulators move on to other concerns, gradually less time and effort is placed upon surveillance and control of a particular site.

Ultimately, institutional controls must also rely upon relatively passive means involving some manner of social order. The types of controls which would be relied upon during this passive control period can include the following:

- o The location of the disposal facility as well as the location of specific disposal areas on the facility can be referenced to USGS benchmarks. Long-lasting monuments can be emplaced which contain an inscription describing the nature of the hazard.
- o The location and configuration of the disposal facility, together with a description of the hazard, can be inexpensively recorded and maintained in a number of different locations on a local, county, state, and national level. This redundancy in recordkeeping would help to ensure that knowledge of the disposal facility would be retained.
- o Control of the disposal facility site can be maintained by a responsible government body--that is, the federal government or the government of the state in which the site is located. Government ownership of the land minimizes the potential for possible abandonment of the site. State or federal ownership is already a requirement in existing NRC regulations in 10 CFR Part 20.