

March 17, 2010

Mr. Gary Sanford, Director
Quality and Regulatory Affairs
Louisiana Energy Services, LLC
P.O. Box 1789
Eunice, NM 88231

SUBJECT: REQUEST FOR LETTER OF ACKNOWLEDGEMENT

Dear Mr. Sanford:

As part of reviewing the recent financial assurance instrument submittal by Louisiana Energy Services, LLC (LES), the U.S. Nuclear Regulatory Commission (NRC) staff reviewed the Standby Trust Agreement dated January 12, 2009.

Guidance for Standby Trust Funds and their associated recommended documentation is contained in Appendix A.17 of NUREG-1757 Vol. 3. NRC staff's review concluded that LES's Standby Trust Agreement is missing a notarized Letter of Acknowledgement. This document is an important component of the Standby Trust Agreement. Per the following excerpt from NUREG-1757 Vol 3., the purpose of the Letter of Acknowledgement is as follows:

“The notarized letter of acknowledgment (Section A.17.8) verifies the execution of the standby trust agreement and certifies the trustee's signature and authority to enter into the agreement.”

Recommended language for this Letter of Acknowledgement is contained in Section A.17.8 of Appendix A.17 to NUREG-1757 Vol.3. Kindly submit an executed Letter of Acknowledgement within 30 calendar days of the date of this letter. It is recommended that LES submit a draft Letter of Acknowledgement to the staff for review at least 14 calendar days prior to executing the final document.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this letter, please contact Mr. Ty Naquin at (301) 492-3187 or at Tyrone.Naquin@nrc.gov.

Sincerely,

/RA/

Michael D. Tschiltz, Deputy Director
Fuel Facility Licensing Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-3103
License No.: SNM-2010

cc:

William Szymanski/DOE
Gary Don Reagan/Hobbs
Cindy Padilla/NMED
Glen Hackler/Andrews
Gary Schubert/Lea County
Michael Marriotte/NIRS
Jon Goldstein/NMED
Tannis Fox/NMED
Lindsay Lovejoy/NIRS

Alton Dunn/Jal
Daniel Stenger/H&H
Betty Rickman/Tatum
Matt White/Eunice
Richard Ratliff/Texas
CO'Claire/Ohio
Joseph Malherek/PC
Gary King/NMAG
Clint Williamson/LES

Gregory Smith/LES
David Trujillo/Lovington
Reinhard Hinterreither/LES
John Parker/NMED
Lee Cheney/CNIC
Roger Mulder/Texas
Ron Curry/NMED
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