

May 6, 2004

Mr. Rod Krich, Vice President
Licensing, Safety, and Nuclear Engineering
Louisiana Energy Services
2600 Virginia Avenue NW, Suite 610
Washington, DC 20037

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
(LOUISIANA ENERGY SERVICES GAS CENTRIFUGE URANIUM
ENRICHMENT FACILITY)

Dear Mr. Krich:

In the Louisiana Energy Services (LES) letter (NEF#04-006), dated April 15, 2004, you requested that information provided in dose consequence calculations be withheld from public disclosure in accordance with 10 CFR 2.390(a)(4). You provided an affidavit attesting to the proprietary nature of the remaining information and provided both proprietary and non-proprietary versions. The nonproprietary versions of these documents have been placed in the U.S. Nuclear Regulatory Commission (NRC) public document room and added to the Agency-wide Documents Access and Management Systems Publically Available Records System (ADAMS PARS Library).

In the affidavit, dated April 16, 2004, you stated that this information should be withheld from public disclosure for the following reasons:

1. It is proprietary information of Enrichment Technology Company Limited and has been provided to LES under a non-disclosure agreement that it be treated as confidential and proprietary and not to be disclosed publicly.
2. It is information that is customarily held in confidence by Enrichment Technology Company Limited and is in fact so held.
3. It is information that is not available in public sources.
4. It was transmitted to and received by the U.S. Nuclear Regulatory Commission in confidence.
5. It is information that discloses a process, method, or apparatus, including supporting data and analyses, where prevention of its use by the Company's competitors without a license from Enrichment Technology Company Limited would constitute a competitive economic advantage over other companies.
6. It is information that, if used by a competitor, would reduce its expenditure of resources or improve its competitive advantage in the design, manufacture, shipment, installation, assurance of quality, or licensing of a similar product.

R. Krich

- 2 -

7. It is information that comprises details of the Enrichment Technology Company Limited gas centrifuge uranium enrichment cascade design.
8. Public disclosure of the information sought to be withheld is likely to cause substantial harm to Enrichment Technology Company Limited. Details of the gas centrifuge cascade design provide commercial value to Enrichment Technology Company Limited and the company's competitive advantage may be lost if its competitors are able to use the design information.

We have reviewed the justification you provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390 (a) (4) and Section 103 (b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Sincerely,

/RA/

Robert C. Pierson, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: William Szymanski/DOE
Monty Newman/Hobbs
Peter Miner/USEC
Glen Hackler/Andrews
James Brown/Eunice
Jerry Clift/Hartsville
D. Watchman-Moore/NMED
Clay Clark/NMED
Lindsay Lovejoy/NIRS

Claydean Claiborne/Jal
James Curtiss/W&S
Betty Richman/Tatum
Dennis Holmberg/Lea Cty
Richard Ratliff/Texas
CO'Claire/Ohio
Joseph Malherek/PC
Patricia Madrid/NMAG

Rod Krich/Exelon
Troy Harris/Lovington
James Ferland/LES
William Floyd/NMED
M. Marriotte/NIRS
Lee Cheney/CNIC
Ron Curry/NMED
Glen Smith/NMAG

DISTRIBUTION: Docket: 70-3103

NMSS r/f	FCSS r/f	SPB r/f	RPierson
JHolonich	JGiitter	MFederline	MVirgilio
YFaraz	LClark/OGC	MDelligatti/DWM	MGalloway
MWong/DWM	SFlanders/DWM	THarris/DWM	SGagner/OPA
DMcIntyre/OPA	RVirgilio/OSTP	TCombs/OCA	DAyres/Reg II
DSeymour/RegII	JHenson/RegII	RHannah/RegII	KClark/RegII
KO'Brien/Reg III	VMitlyng/RegIII	DHartland/Reg II	WMaier/RegIV
Hearing file	RTrojanowski/RegII	Kevery/NSIR	JStrosnider

DISTRIBUTION: Docket: 70-3103

NMSS r/f	FCSS r/f	SPB r/f	RPierson
JHolonich	JGitter	MFederline	MVirgilio
YFaraz	LClark/OGC	MDelligatti/DWM	MGalloway
MWong/DWM	SFlanders/DWM	THarris/DWM	SGagner/OPA
DMcIntyre/OPA	RVirgilio/OSTP	TCombs/OCA	DAyres/Reg II
DSeymour/RegII	JHenson/RegII	RHannah/RegII	KClark/RegII
KO'Brien/Reg III	VMitlyng/RegIII	DHartland/Reg II	WMaier/RegIV
Hearing file	RTrojanowski/RegII	KEverly/NSIR	

ML041270556

OFC	GCFLS	GCFLS	OGC	GCFLS	SPB	FCSS
NAME	TJohnson	LGross	SCole	BSmith	JGitter	RPierson
DATE	4 /22/04	4/23/04	5/04/04	4/26/04	5/6/04	5/6/04

OFFICIAL RECORD COPY