

June 25, 2008

Mr. Stephen Cowne
Licensing Director
Louisiana Energy Services
P.O. Box 1789
Eunice, NM 88231

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

Dear Mr. Cowne:

On May 28, 2008, Mr. Gregory Smith transmitted an affidavit requesting that information related to the submittal to provide alternate sole Items to be Relied on for Safety for the Separations Building Modules be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390. Mr. Smith did not provide a non-proprietary version of the information.

The documents requested to be withheld were as follows:

1. Enclosure 2 of the May 28, 2008, letter; Description of Proposed Changes; and
2. Enclosure 3 of the June 6, 2008, letter; the Emergency Plan portion only of the annotated changes to license basis documents.

In the affidavit, Mr. Smith stated that the above documents should be withheld from public disclosure for the following reasons:

1. It is information that relates to the commercial aspects of the National Enrichment Facility;
2. The information describes detail changes to the facility that can have a significant impact on facility costs and significant resources were expended to develop the information;
3. Release of the information has the potential to result in substantial harm to the competitive position of Louisiana Energy Services; and
4. Release of the information has the potential to reduce or foreclose the availability of profit opportunities.

We have reviewed the justification that Mr. Smith provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of Mr. Smith's statements, have determined that the information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Withholding information 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 U.S. Nuclear Regulatory Commission (NRC). You should also understand that 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/

Brian W. Smith, Chief
Enrichment and Conversion Branch
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
Betty Richman/Tatum
Glen Hackler/Andrews
Matt White/Eunice
CO'Claire/Ohio
Joseph Malherek/PC
Tannis Fox/NMED
Roger Mulder/Texas

Lorenzo Chacon/Jal
Daniel Stenger/H&H
Reinhard Hinterreither/LES
Gary Schubert/Lea Cty
Richard Ratliff/Texas
Lee Cheney/CNIC
Ron Curry/NMED
Patricia Madrid/NMAG
William Floyd/NMED

Lindsay Lovejoy/NIRS
David Trujillo/Lovington
Gregory Smith/LES
John Parker/NMED
M. Marriotte/NIRS
Cindy Padilla/NMED
D. Watchman-Moore/NMED
Glen Smith/NMAG
Clint Williamson/LES

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