

October 15, 2008

Mr. Stephen Cowne, Director  
Quality and Regulatory Affairs  
Louisiana Energy Services  
P.O. Box 1789  
Eunice, NM 88231

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

Dear Mr. Cowne:

On July 24, 2008, Mr. Gregory Smith transmitted a letter requesting that certain information presented in a Safety Evaluation Report (SER) related to a license amendment issued by the U.S. Nuclear Regulatory Commission (NRC) on April 24, 2008, be withheld from public disclosure under Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.390. Mr. Smith provided an affidavit supporting the above request. Mr. Smith did not provide a non-proprietary version of the documents he requested to be withheld.

In the affidavit dated July 24, 2008, Mr. Smith stated that Louisiana Energy Services (LES) wishes to withhold from public disclosure, the enclosure to the July 24, 2008 letter, which summarizes the items in the NRC's SER that LES considers proprietary information.

Section 2.390(b)(1)(ii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons why it is claimed that the information should be withheld from public disclosure. Section 2.390(b)(1)(iii) further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.390(b)(4).

Your affidavit has been reviewed in light of the aforementioned paragraphs of the regulations. We have concluded that additional support is needed for withholding some of the material in accordance with 10 CFR 2.390(a)(4), and that certain other material should be released and placed in the Agency-Wide Documents Access and Management System (ADAMS). Our reasons for these conclusions are outlined in the enclosure.

Accordingly, for Item 6 in the enclosure, consideration should be given to supplementing the present record with additional factual information. If such action is taken, it is suggested that you furnish factual information indicating with specificity how the information, if released, will affect your competitive positive.

In summary, we have determined that your affidavit is not in conformity with 10 CFR 2.390(b) of the Commission's regulations, inasmuch, as it fails to address the considerations of paragraph (b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.390(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

S. Cowne

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In accordance with 10 CFR 2.390(c), this information is being forwarded to you as notice that the information will be placed in ADAMS in thirty (30) days from the date of this letter. If within thirty (30) days of this letter you provide additional reasons for the withholding of information, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure.

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.

Sincerely,

**/RA/**

Brian W. Smith, Chief  
Enrichment and Conversion Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Proprietary Information Evaluation

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

cc: Reinhard Hinterreither/LES  
Gregory Smith/LES  
Clint Williamson/LES

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S. Cowne

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Division of Fuel Cycle Safety  
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Enclosure: Proprietary Information Evaluation

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cc/enc: Reinhard Hinterreither/LES  
Gregory Smith/LES  
Clint Williamson/LES

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**ADAMS Accession No.: ML082830256 (Letter) ML082830238 (Package)**

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<b>NAME</b>	TJohnson		VWilliams		TRothschild		BSmith	
<b>DATE</b>	10/10/08		10/10/08		10/14/08		10/15/08	

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