

June 5, 2009

Mr. Stephen Cowne, Director
Quality and Regulatory Affairs
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 27, 2009, Mr. Gregory Smith transmitted an affidavit signed by Mr. Smith requesting that schedule information in presentation slides from a May 12, 2009, meeting on the Operational Readiness Review (ORR) pertaining to the Louisiana Energy Services (LES) Gas Centrifuge Uranium Enrichment Plant in Lea County, New Mexico, be withheld from public disclosure under the provisions of Title 10 *Code of Federal Regulations* (10 CFR) §2.390. Mr. Smith also provided a non-proprietary version of the document.

In the affidavit, Mr. Smith requested that ORR schedule information be withheld because the information identifies critical schedules and project milestones for which LES has previously been granted approval for withholding in a April 7, 2008, letter from the U.S. Nuclear Regulatory Commission (NRC) to LES. In addition, public disclosure of the information has the potential to result in substantial harm to the competitive position of LES and could reduce or foreclose the availability of profit opportunities if it is disclosed.

We 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 will 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 NRC. You should also understand 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.

In accordance with Title 10 CFR 2.390 of the NRC's "Rules of Practice," 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 the 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> (the Public Electronic Reading Room).

If you have any questions regarding this matter, please contact me at (301) 492-3121 or via email to Timothy.Johnson@nrc.gov.

Sincerely,

/RA/

Brian W. Smith, Chief
Uranium Enrichment Branch
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

Alton Dunn/Jal
Daniel Stenger/H&H
Reinhard Hinterreither/LES
Gary Schubert/Lea Cty
Richard Ratliff/Texas
Lee Cheney/CNIC
Ron Curry/NMED
Patricia Madrid/NMAG
Clint Williamson/LES

Lindsay Lovejoy/NIRS
David Trujillo/Lovington
Gregory Smith/LES
John Parker/NMED
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Cindy Padilla/NMED
Jon Goldstein/NMED
Glen Smith/NMAG

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