

September 28, 2009

Mr. Stephen Cowne, Director
Quality and Regulatory Affairs
Louisiana Energy Services, L.L.C.
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 September 10, 2009, Mr. Gregory Smith transmitted an affidavit pertaining to responses to Requests for Additional Information (RAI) regarding design changes in the tails take-off and cascade sampling systems for the Louisiana Energy Services (LES) gas centrifuge uranium enrichment plant in Lea County, New Mexico. The affidavit requests that information in enclosure 2 to the September 10, 2009, letter be withheld from public disclosure under the provisions of Title 10 *Code of Federal Regulations* (10 CFR) Section 2.390. The RAIs were transmitted to LES in response to a License Amendment Request (LAR 09-08) submitted May 8, 2009. Mr. Smith also provided a non-proprietary version of the document.

The affidavit states the responses contain proprietary information related to commercial aspects of the LES facility and is typically held in confidence by LES. Mr. Smith stated that no public disclosure has been previously made and it is not available from public sources. 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. Mr. Smith also stated that the information is considered to be Export Controlled Information. Without withholding Export Controlled Information, public disclosure would make it available to persons and countries prohibited from receiving such information.

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 Export Controlled 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.

In accordance with 10 CFR 2.390 of the NRC's "Rule 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 and questions regarding this matter, please contact Ty Naquin at (301) 492-3187 or via email to Ty.Naquin@nrc.gov.

Sincerely,

/RA/

Brian W. Smith, Chief
Enrichment and Conversion 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
C. O'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
M. Marriotte/NIRS
Cindy Padilla/NMED
Jon Goldstein/NMED
Glen Smith/NMAG

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William Szymanski/DOE	Alton Dunn/Jal	Lindsay Lovejoy/NIRS
Gary Don Reagan/Hobbs	Daniel Stenger/H&H	David Trujillo/Lovington
Betty Richman/Tatum	Reinhard Hinterreither/LES	Gregory Smith/LES
Glen Hackler/Andrews	Gary Schubert/Lea Cty	John Parker/NMED
Matt White/Eunice	Richard Ratliff/Texas	M. Marriotte/NIRS
CO'Claire/Ohio	Lee Cheney/CNIC	Cindy Padilla/NMED
Joseph Malherek/PC	Ron Curry/NMED	Jon Goldstein/NMED
Tannis Fox/NMED	Patricia Madrid/NMAG	Glen Smith/NMAG
Roger Mulder/Texas	Clint Williamson/LES	

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OFC	UEB	FMB	UEB
NAME	TNaquin	THristopoulos	BSmith
DATE	09/15/09	09/ 17 /09	09/28 /09

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