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NEF-09-00132-NRC

ATTN: Document Control Desk Director Office of Nuclear Material Safety and Safeguards U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001

> Louisiana Energy Services, LLC National Enrichment Facility <u>NRC Docket No. 70-3103</u>

Subject: Response to RAI on Decommissioning Funding Plan

## **References:**

- 1. Letter from T. Naquin (NRC) to S. Cowne (LES), Louisiana Energy Services Request for Additional Information on Decommissioning Funding Plan, July 16, 2009
- 2. LES Letter Number NEF-09-00066, dated April 2, 2009

As follow-up to the Reference 1 Request for Additional Information (RAI), which resulted from the NRC's review of the Reference 2 submittal, Louisiana Services Company, LLC (LES) herewith provides the Enclosure 1 response, as supported by Enclosures 2 and 3. This submittal complies with the response schedule extension approved by the NRC via telecommunication on August 12, 2009.

It is requested that information contained in Enclosures 1 through 3 be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4). Accordingly, and responsive to the requirements of 10 CFR 2.390(b)(1), an affidavit requesting withholding of this information is provided in Enclosure 2.

Should there be any questions concerning this submittal, please contact Stephen Cowne, LES Director of Quality and Regulatory Affairs, at 575.394.5253.

Sincerely, laon Gregory OD Smith

Chief Nuclear and Chief Operating Officer

- Enclosures: 1. LES Response to the NRC Request for Additional Information on LES Decommissioning Funding Plan
  - 2. Mark-up of Proposed Amendment No. 1 to Standby Trust Agreement
  - 3. Proposed Amendment No. 1 to Standby Trust Agreement with Changes Integrated
  - 4. Affidavit

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LES building and operating the National Enrichment Facility providing energy independence for America

cc:

Tyrone D. Naquin, Project Manager Two White Flint Mail Stop EBB2-C40M 11545 Rockville Pike Rockville, MD 20852-2738

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## **ENCLOSURE 4**

## AFFIDAVIT

I, Gregory OD Smith, Chief Operating Officer and Chief Nuclear Officer of Louisiana Energy Services, LLC at the National Enrichment Facility, make the following representations that to the best of my knowledge and belief:

- 1. Louisiana Energy Services wishes to have withheld from public disclosure the following document:
  - Enclosure 1 Louisiana Energy Services, LLC (LES) Response to the NRC Request for Additional Information on Louisiana Energy Services Decommissioning Funding Plan
  - Enclosure 2 Mark-up of Proposed Amendment No. 1 to Standby Trust Agreement
  - Enclosure 3 Proposed Amendment No. 1 to Standby Trust Agreement with Changes Integrated
  - 2. The information contained in the documents cited in 1 above for which exemption from public disclosure is requested is proprietary information related to commercial and financial aspects of the National Enrichment Facility, including the business strategy of LES. LES requests that this information be exempt from disclosure pursuant to the provisions in 10 CFR Part 2.390(a)(4).
  - 3. Public disclosure of the information in the above enclosure to this submittal has the potential to result in substantial harm to the competitive position of LES, provide valuable business information to competitors of LES which they could duplicate without having to expend their own resources to develop, and reduce or foreclose the availability of profit opportunities.
  - 4. The information stated in this affidavit has been submitted in accordance with the applicable parts of 10 CFR 2.390 and the guidance contained in NUREG-1556, Vol. 20, Appendix C.4.

LAOVA

Gregory OD Smith Date Chief Operating Officer and Chief Nuclear Officer Louisiana Energy Services, LLC National Enrichment Facility

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Notary Public My commission expires: <u>//-30-(0</u>

