

April 27, 2012

Mr. Jay Laughlin
Licensing Manager
Louisiana Energy Services, LLC
P.O. Box 1789
Eunice, NM 88231

SUBJECT: REQUEST FOR A ONE-TIME EXCEPTION TO LICENSE CONDITION 10.F
FOR THE CYLINDER RECEIPT AND DISPATCH BUILDING
SUPERSTRUCTURE FOUNDATION/FOOTERS SNM-2010 AMENDMENT 53
(TAC L33168)

Dear Mr. Laughlin:

On August 3, 2011, Louisiana Energy Services (LES) transmitted a request for a one-time exception to the requirements of License Condition 10.f of Materials License SNM-2010, for the Cylinder Receipt and Dispatch Building (CRDB) superstructure foundation/footers. In addition to the Safety Analysis supplied with the request, staff also considered your revised request dated October, 14, 2011, and your responses to our requests for additional information dated November 22, 2011, January, 23 2012, and April 25, 2012. Lastly we conducted a site visit the week of March 12, 2012, to verify the information provided.

The NRC staff reviewed this material to determine if LES' acceptance review provided reasonable assurance that foundation/footers, designated as items relied on for safety, will perform their intended function even though the construction process did not meet the required quality level.

The NRC staff has completed review of the original exception request as supplemented by the documents listed above. We verified the review findings during the March 12, 2012, site visit by conducting interviews with engineers and inspectors involved with the construction of the CRBD foundation. Based on the review, the exception is approved, and license SNM-2010 has been modified to reflect this action. We have also attached a Safety Evaluation Report, documenting the review as Enclosure 1. Your amended license SNM-2010 (Amendment 53) is attached as Enclosure 2.

Because the activities of this exception involve administrative actions, the NRC staff determined that the proposed activities do not individually or cumulatively have a significant effect on the human environment. Therefore, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 51.22(c)(11), neither an Environmental Assessment nor an Environmental Impact Statement is warranted for this action.

When separated from Enclosure 1
this document is decontrolled.

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and the license will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of 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).

The NRC requests that within 30 days of receipt of this letter, you submit a redacted version of the Safety Evaluation Report replacing each paragraph containing LES proprietary information with the nomenclature "[Proprietary Information – Withheld Under 10 CFR 2.390]". After reviewing your requested redactions, the NRC will electronically release a public version of the Safety Evaluation Report.

Work performed under this Technical Assignment Control (TAC No L33168) is complete and the TAC is now closed. If you have any questions regarding this letter, please contact Mr. Michael Raddatz at 301-492-3108, or via e-mail to Michael.Raddatz@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

Enclosures:

1. Safety Evaluation Report
2. License Amendment 53

cc:

William Szymanski/DOE
Sam D. Cobb/Hobbs
Marilyn Burns/Tatum
Glen Hackler/Andrews
Gary Schubert/Lea County
Daniel Stenger/H&H
Gary King/NMAG
Joseph Malherek/PC
Michael Ortiz/NMED

Alton Dunn/Jal
Dixie Drummond/Lovington
Lindsay Lovejoy/NIRS
Michael Marriotte/NIRS
Richard Ratliff/Texas
Carol O'Claire/Ohio
Ryan Flynn/NMED
Butch Tongate/NMED
Mary Rose/NMED

Gregory Smith/LES
David Sexton/LES
Clint Williamson/LES
Matt White/Eunice
Lee Cheney/CNIC
Roger Mulder/Texas
Raj Solomon/NMED
Dave Martin/NMED

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Dave Martin/NMED

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