

July 6, 2004

Mr. Rod Krich, Vice President
Licensing, Safety, and Nuclear Engineering
Louisiana Energy Services
2600 Virginia Avenue NW, Suite 610
Washington, DC 20037

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

Dear Mr. Krich:

In the Louisiana Energy Services (LES) letter (NEF#04-016), dated June 8, 2004, you requested that information provided on plant design and construction costs be withheld from public disclosure in accordance with 10 CFR 2.390(a)(4). You provided an affidavit attesting to the proprietary nature of the information. You did not provide a non-proprietary version.

In the affidavit, dated May 8, 2004, you stated that this information should be withheld from public disclosure for the following reasons:

1. It is information that is customarily held in confidence by LES and its partners and is in fact so held.
2. It is information that is not available in public sources.
3. It was transmitted to and received by the U.S. Nuclear Regulatory Commission in confidence.
4. It is information that discloses financial and commercial information that would constitute a competitive economic advantage over other companies.
5. It is information that, if used by a competitor, would result in an unfair competitive advantage by revealing details of the design and construction of the proposed gas centrifuge enrichment facility.
6. Public disclosure of the information sought to be withheld is likely to cause irreparable and incalculable harm to LES. Details of the facility design and construction would provide competitors with an unfair commercial advantage that would significantly affect LES's ability to compete.

We have reviewed the justification you provided in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information. Therefore, the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

R. Krich

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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.

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 NRC. You also should understand that 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.

Sincerely,

/RA/

Robert C. Pierson, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3103

cc: William Szymanski/DOE	Claydean Claiborne/Jal	Lindsay Lovejoy/NIRS
Monty Newman/Hobbs	James Curtiss/W&S	Troy Harris/Lovington
Peter Miner/USEC	Betty Richman/Tatum	James Ferland/LES
Glen Hackler/Andrews	Dennis Holmberg/Lea Cty	William Floyd/NMED
James Brown/Eunice	Richard Ratliff/Texas	M. Marriotte/NIRS
Jerry Clift/Hartsville	CO'Claire/Ohio	Lee Cheney/CNIC
D. Watchman-Moore/NMED	Joseph Malherek/PC	Ron Curry/NMED
Clay Clark/NMED	Patricia Madrid/NMAG	Glen Smith/NMAG

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OFC	GCFLS		GCFLS		OGC		GCFLS		SPB		FCSS	
NAME	TJohnson		LGross		SCole		BSmith		JGitter		RPierson	
DATE	6/18/04		6/ 21/04		7/ 02 /04		6/ 21 /04		7/02/04		7/ 06 /04	

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