

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#04-015), dated June 18, 2004, you requested that information provided on uranium tails disposition 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 June 8, 2004, Christopher R. Chater of Urenco Enrichment Company Limited (a wholly owned subsidiary of Urenco Limited, which owns Urenco Investments, Inc., the majority partner of the LES partnership) 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 costs and pricing structure of uranium enrichment services provided by Uranium Enrichment Company Limited, a wholly owned subsidiary of Urenco Limited.
6. Public disclosure of the information sought to be withheld is likely to result in the loss of the competitive advantage that Urenco Limited has when bidding on uranium enrichment services contracts.

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.

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  
Monty Newman/Hobbs  
Peter Miner/USEC  
Glen Hackler/Andrews  
James Brown/Eunice  
Jerry Clift/Hartsville  
Joseph Malherek/PC  
Clay Clark/NMED

Claydean Claiborne/Jal  
James Curtiss/W&S  
Betty Richman/Tatum  
Dennis Holmberg/Lea Cty  
Richard Ratliff/Texas  
CO'Claire/Ohio  
Ron Curry/NMED  
Patricia Madrid/NMAG

Lindsay Lovejoy/NIRS  
Troy Harris/Lovington  
James Ferland/LES  
William Floyd/NMED  
M. Marriotte/NIRS  
Lee Cheney/CNIC  
D. Watchman-Moore/NMED  
Glen Smith/NMAG

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**ML042050509**

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<b>NAME</b>	TJohnson		LMarshall		SCole		BSmith		JGiitter		RPierson	
<b>DATE</b>	6/28/04		6/28/04		7/02/04		06/28/04		7/02/04		7/06/04	

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