

October 21, 2005

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

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

Dear Mr. Krich:

By letter dated October 18, 2005 (NEF#05-031), Louisiana Energy Services (LES) submitted an affidavit dated October 3, 2005, executed by Mr. Larry W. Brown. In the letter, you requested that the information provided in an August 12, 2005, LES response to a U.S. Nuclear Regulatory Commission (NRC) request for additional information (RAI) be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 390. The information provided in the August 12, 2005, response contains information from a proprietary U.S. Department of Energy (DOE) report on uranium tails disposition costs.

You did not provide a non-proprietary version of the above documents.

In the affidavit, dated October 3, 2005, Mr. Brown of DOE stated that the information in the response to the NRC RAI should be withheld from public disclosure for the following reasons:

1. It is information that is customarily held in confidence by DOE and is in fact so held.
2. It is information that is not available in public sources.
3. The information was developed with the explicit understanding that the document would be treated as an internal predecisional agency document. DOE has consistently treated the information as confidential and to be withheld from public disclosure.
4. It was transmitted to and received by the U.S. Nuclear Regulatory Commission in confidence.
5. It is predecisional material that falls under the "deliberative process" privilege of the Freedom of Information Act, which permits the government to withhold documents that reflect advisory opinions, recommendations, and deliberations comprising part of the process by which government formulates decisions and policies. Thus, the harm that would result from release of the report is an impairment of the quality of agency decision making by curbing frank and independent internal discussion.

R. Krich

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We have reviewed the justifications 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 and should be withheld from public disclosure.

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/**

James W. Clifford, Acting Chief  
Special Projects Branch  
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  
Roger Mulder/Texas

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

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

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**/RA/**

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Joseph Malherek/PC	Ron Curry/NMED	D. Watchman-Moore/NMED
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Roger Mulder/Texas		

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<b>DATE</b>	10/19/05		10/19/05		10/20/05		10/19/05		10/21/05	

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