

August 13, 2009

Mr. Lawrence J. Corte, President
Western Nuclear, Inc.
2801 Youngfield, Suite 340
Golden, CO 80401

SUBJECT: WESTERN NUCLEAR, INC., REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE FOR APPLICATION FOR INDIRECT CHANGE OF CONTROL OF U.S. NUCLEAR REGULATORY COMMISSION LICENSE NO. SUA-56

Dear Mr. Corte:

By letter dated July 22, 2009, Western Nuclear Inc. (WNI) makes reference to a March 27, 2009, financial test for WNI's parent company guarantee. In the March 27, 2009, parent company guarantee financial test, an affidavit, executed by Kathleen Quirk, requests that the information contained in the attached Total U.S. Assets Schedule be withheld from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 2.390.

A nonproprietary copy of your transmittal letter and signed affidavit has been placed in the U.S. Nuclear Regulatory Commission's (NRC) Public Document Room and added to the Agencywide Documents Access and Management System Public Electronic Reading Room.

The affidavit stated that the submitted Total U.S. Assets Schedule should be considered exempt from mandatory public disclosure as trade secrets or confidential commercial or financial information for the following reasons:

- a. this information is considered confidential by Freeport-McMoRan Copper & Gold Inc.;
- b. the information is not available through public sources;
- c. the disclosure of the information will cause substantial harm to Freeport-McMoRan Copper & Gold Inc.'s competitive position; and
- d. disclosure of the information subject to this confidential claim could harm Freeport-McMoRan Copper & Gold Inc.'s business interests, including future sale of assets, procurement of insurance, and other business transactions if the information is released to the public.

We have reviewed your application and the material 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. Therefore, the Total U.S. Assets Schedule, marked as confidential, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5), and §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.

If you have any questions regarding this matter, please contact me at (301) 415-7188 or via email at richard.chang@nrc.gov.

Sincerely,

/RA/

Richard Chang, Project Manager
Special Projects Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-1162

License No.: SUA-56

cc: Anne Thomas, WNI
Anthony J. Thompson, Esq.
Christopher S. Pugsley, Esq.
M. Thiesse, WDEQ
J. Wagner, WDEQ
T. Pauling, DOE

L. Corte

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Sincerely,

Richard Chang, Project Manager
Special Projects Branch
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