

January 12, 2011

Mr. Steven A. Toelle, Director  
Regulatory Affairs  
U. S. Enrichment Corporation  
2 Democracy Center  
6903 Rockledge Drive  
Bethesda, MD 20817-1818

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S APPROVAL OF REQUEST BY  
UNITED STATES ENRICHMENT CORPORATION TO WITHHOLD  
INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Toelle:

By letter dated November 22, 2010, transmitting an affidavit (Enclosure 3), also dated November 22, 2010, United States Enrichment Corporation (USEC) requested that the U.S. Nuclear Regulatory Commission (NRC) withhold, from public disclosure, pursuant to 10 *Code of Federal Regulations* 2.390(b) and 9.17(a)(4), certain confidential commercial and financial information and trade secrets, contained in Enclosure 1 to the letter. USEC specifically requests that the riders and Trust Agreement Schedule B, contained in Enclosure 1 to the November 22, 2010 letter, be withheld from public disclosure.

The affidavit states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons, among others:

1. The information sought to be withheld from public disclosure has been held in confidence by USEC. The information is proprietary to USEC and USEC seeks to protect it as such.
2. The information is of a type customarily held in confidence by USEC and not customarily disclosed to the public. The information consists of commercial and financial information that provides a competitive advantage to USEC.
3. The information has been provided to the NRC in confidence and, under the provisions of 10 CFR 2.390, and is to be received in confidence by the NRC.
4. The information sought to be protected is not available in public sources to the best of USEC's knowledge and belief.
5. Public disclosure of the proprietary information is likely to cause substantial harm to USEC's competitive position. The proprietary information has substantial commercial value to USEC.

We reviewed the November 22, 2010 affidavit, the supplemental information (Agencywide Document Access and Management System (ADAMS) Accession Number ML103420613), and the information sought to be withheld from public disclosure in accordance with the requirements of 10 CFR 2.390 and have concluded that the information may be withheld. Enclosure 2 to the November 22, 2010 letter contains a non-proprietary redacted version of the surety bond riders and Standby Trust Agreement Schedules (ML103550626) which will be made publically available.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. 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) 492-3221 or via email to [kevin.mattern@nrc.gov](mailto:kevin.mattern@nrc.gov), or Tilda Liu at (301) 492-3217 or via email to [tilda.liu@nrc.gov](mailto:tilda.liu@nrc.gov).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and of your November 22, 2010 affidavit will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Kevin S. Mattern, Project Manager  
Advanced Fuel Cycle, Enrichment,  
and Uranium Conversion Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

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Sincerely,

**/RA/**

Kevin S. Mattern, Project Manager  
Advanced Fuel Cycle, Enrichment,  
and Uranium Conversion Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

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