

May 17, 2011

Mr. Peter J. Miner, Director
Regulatory Affairs
USEC Inc.
6903 Rockledge Dr.
Bethesda, MD 20817-1818

SUBJECT: DRAFT SURETY BOND RIDER ASSOCIATED WITH REQUEST FOR TRANSFER
OF LICENSES (TAC NO. L33134)

Dear Mr. Miner:

I am responding to your letter dated April 12, 2011 (AET 11-0017), requesting the U.S. Nuclear Regulatory Commission's (NRC) review and approval of a draft surety bond rider for the American Centrifuge Lead Cascade Facility.

We have completed our review of the draft surety bond rider and provide the following comments:

- (1) The April 25, 2006, surety bond states that the state of incorporation of Westchester Fire Insurance Company (WFIC) is New York. Treasury Circular 570 states that WFIC is incorporated in Pennsylvania. While the surety rider states this, it does not clearly amend the April 25, 2006, surety bond to reflect the change in state of incorporation. The rider should clearly amend the state of incorporation from New York to Pennsylvania;
- (2) The April 25, 2006, surety bond is missing an important clause: "The Principal and Surety hereby agree that no decrease in the penal sum takes place without the written permission of the NRC." While this is stated in the rider, the rider does not clearly amend the April 21, 2006, surety bond to include this clause. The rider should clearly amend the April 25, 2006, surety bond to include this clause; and,

If you so desire, NRC staff is available to review the final draft surety bond addressing these comments, prior to its execution.

This action completes the effort on Technical Assistance Control number L33134.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390(d) of the NRC "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of NRC's document system (Agencywide Document Access Management System [ADAMS]). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions regarding this matter, please contact Mr. Osiris Siurano-Perez at 301-492-3117, or via email to Osiris.Siurano-Perez@nrc.gov.

Sincerely,

/RA/

Brian W. Smith, Chief
Uranium Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-7003
License No. SNM-7003

cc: Terry Sensue, Regulatory Manager
USEC Inc. American Centrifuge
3930 U.S. South 23
P.O. Box 628, Mail Stop 7560
Piketon, OH 45661

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If you have any questions regarding this matter, please contact Mr. Osiris Siurano-Perez at 301-492-3117, or via email to Osiris.Siurano-Perez@nrc.gov.

Sincerely,

/RA/

Brian W. Smith, Chief
Uranium Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-7003
License No. SNM-7003

cc: Terry Sensue, Regulatory Manager
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