

May 17, 2011

Mr. John J. Miller, CHP  
International Isotopes, Inc.  
4137 Commerce Circle  
Idaho Falls, ID 83401

SUBJECT: APPROVAL OF AFFIDAVITS TO WITHHOLD INFORMATION REGARDING  
WASTE COST ESTIMATES AND FINANCIAL ASSURANCE (TAC L32739)

Dear Mr. Miller:

By letters, dated April 27, 2011 (Agencywide Documents Access and Management System [ADAMS] Accession Number ML11123A231), and April 29, 2011 (ADAMS Accession Number ML11129A083), International Isotopes Inc., (INIS) submitted affidavits and enclosures containing proposed proprietary information to the U.S. Nuclear Regulatory Commission (NRC). The affidavits requested the NRC to withhold from public disclosure, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, the Waste Disposal Cost Estimate and Financial Assurance Request for Additional Information Responses for the proposed INIS Fluorine Products, Inc.'s, facility.

The affidavits state that the proprietary information should be considered exempt from mandatory public disclosure for the following reasons, among others:

1. The information for which protection from disclosure is sought has been held in confidence by INIS.
2. This information is proprietary to INIS, and INIS seeks to protect it as such.
3. The information sought to be withheld is of a type that would customarily be held in confidence by INIS. The information consists of commercial and financial information that provides a competitive advantage to INIS.
4. The information sought to be withheld is being provided to the NRC in confidence; and under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
5. The information sought to be withheld is not available in public sources to the best of INIS's knowledge and belief.
6. Public disclosure of the proprietary information INIS seeks to protect is likely to cause substantial harm to INIS's competitive position within the meaning of 10 CFR 2.390(b)(4)(v). The proprietary information has substantial commercial value to INIS.

We reviewed the April 27, 2011, and April 29, 2011, affidavits; the contents of the enclosures; and the transmittal letters in accordance with the requirements of 10 CFR 2.390—and concluded that the information designated proprietary may be withheld.

Withholding the proprietary information from public release shall not affect the right, if any, of persons properly and directly authorized to review 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 publicly available, you should promptly notify the NRC. You should also 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," copies of this letter and the affidavits will be available electronically for public inspection from the Publicly Available Records System component of the Agencywide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (Web-based ADAMS).

If you have any questions regarding this matter, please contact me at (301) 492-3119 or via e-mail to [Matthew.Bartlett@nrc.gov](mailto:Matthew.Bartlett@nrc.gov).

Sincerely,

**/RA/**

Matthew Bartlett, Project Manager  
Conversion, Deconversion  
and Enrichment Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 40-9086

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Sincerely,

**/RA/**

Matthew Bartlett, Project Manager  
 Conversion, Deconversion  
 and Enrichment Branch  
 Division of Fuel Cycle Safety  
 and Safeguards  
 Office of Nuclear Material Safety  
 and Safeguards

Docket No. 40-9086

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