

May 25, 2012

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

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION IN USEC INC. LETTER
AET 12-0029

Dear Mr. Miner:

USEC Inc. (USEC) letter AET 12-0029, dated May 7, 2012, and received on May 17, 2012, provided responses to the open items identified in the U.S. Nuclear Regulatory Commission (NRC) Inspection Report 07007004/2012201. Enclosure 6 of your letter provided an affidavit executed by you, and dated May 7, 2012, requesting the NRC to withhold from public disclosure, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390, proprietary information contained in Enclosures 2 through 5.

The affidavit stated that the information provided in the Enclosures should be considered exempt from mandatory public disclosure for the following reasons:

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by USEC;
2. The information is of a type customarily held in confidence by USEC and not customarily disclosed to the public;
3. The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.), where presentation of its use by any of USEC's competitors without license from USEC constitutes a competitive economic advantage over other companies.
4. It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
5. Its use by a competitor would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation assurance of quality or licensing a similar product.
6. It reveals cost or price information, production capacities, budget levels, or commercial strategies of USEC, its customers or suppliers.

7. It reveals aspects of past, present or future USEC or customer funded development plans and programs of potential commercial value to USEC.
8. It contains patentable ideas, for which patent protection may be desirable.
9. It reveals information concerning the terms and conditions, work performed, administration, performance under or extension of contracts with its customers or suppliers.
10. There are sound policy reasons behind USEC's system which includes:
 - a. the use of such information by USEC gives them a competitive advantage over its competitors;
 - b. the information is marketable in many ways;
 - c. use of the information by competitors would put USEC at a competitive disadvantage by reducing their expenditure of resources at USEC's expense;
 - d. each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage;
 - e. unrestricted disclosure would jeopardize the position of prominence of USEC in the world market, and thereby give a market advantage to the competition of those countries; and
 - f. USEC's capacity to invest assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
11. The information is being transmitted to the NRC in confidence and, under the provisions of 10 CFR 2.390, is to be received in confidence by the NRC;
12. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of USEC's knowledge and belief.

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 document listed above marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 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 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 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 the date of public disclosure, which will be a reasonable time thereafter.

If you have any questions regarding this matter, I may be reached at 301-492-3117, or via e-mail to Osiris.Siurano-Perez@nrc.gov.

Sincerely,

/RA/

Osiris Siurano-Perez, Project Manager
Uranium Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-7004
License No SNM-2011

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Sincerely,

/RA/

Osiris Siurano-Perez, Project Manager
Uranium Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No 70-7004
License No SNM-2011

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