



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 7, 2019

Mr. Richard J. Freudenberger  
Director of Safety and Safeguards  
Nuclear Fuel Services, Inc.  
P.O. Box 337, MS 123  
Erwin, TN 37650

SUBJECT: PARTIAL ACCEPTANCE OF REQUEST FOR WITHHOLDING INFORMATION  
FROM PUBLIC DISCLOSURE

Dear Mr. Freudenberger:

I am responding to your letter dated November 30, 2018 (Agencywide Documents Access and Management System [ADAMS] Accession Number ML18341A249), providing an updated decommissioning funding plan. Enclosure 1 of your letter provided an affidavit requesting the U.S. Nuclear Regulatory Commission (NRC) to withhold proprietary information contained in Enclosure 2 from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, "Public Inspections, Exemptions, Requests for Withholding." In the affidavit, you requested that the information be considered exempt from mandatory public disclosure for the following reasons:

1. The information contained in the document is owned and has been held in confidence by the licensee, since it contains financial information as defined in 10 CFR Paragraph 2.390(a).
2. The information contained in the document is the intellectual property of the licensee, and is held in confidence by the licensee. This information has not been made public by the licensee, nor has it authorized its public release.
3. The disclosure of this information to the public would likely cause substantial harm to the competitive advantage held by the licensee.

We have carefully reviewed your request. We have concluded that some of the material may be withheld in accordance with 10 CFR 2.390(b), but that certain other material should be released and placed in the NRC's ADAMS. The only information that we believe could constitute trade secrets, or proprietary commercial information is the Appendix to Enclosure 2.

This letter serves as notice that the main body of Enclosure 2 (first 15 pages) will be placed in the Publicly Available Records component of ADAMS 30 days from the date of this letter. If within 30 days of this letter, you request withdrawal of these documents in accordance with 10 CFR 2.390(c), or provide additional reasons for the withholding of information, your request will be considered in light of applicable statutes and regulations. A further determination will be made as to whether the documents will be withheld from public disclosure or returned to you.

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 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 "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's 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 letter, please contact me by phone at 301-415-7506 or via e-mail to [Kevin.Ramsey@nrc.gov](mailto:Kevin.Ramsey@nrc.gov).

Sincerely,

**/RA/**

Kevin M. Ramsey, Senior Project Manager  
Fuel Facility Licensing Branch  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 07000143  
License No. SNM-124

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**DATED:** February 7, 2019

**DISTRIBUTION:**

FCSE r/f [taknowles@nuclearfuelservices.com](mailto:taknowles@nuclearfuelservices.com)

**Accession Number: ML19029B152**

**\*via email**

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