

August 26, 2014

Mr. Steven A. Toelle, Director
Nuclear Regulatory Affairs
United States Enrichment Corporation
Two Democracy Center
6903 Rockledge Drive
Bethesda, MD 20817

SUBJECT: APPROVAL OF REQUEST TO WITHHOLD PROPRIETARY INFORMATION
FROM PUBLIC DISCLOSURE

Dear Mr. Toelle:

This in regard to your letter dated July 16, 2014 (GDP 14-0015) (Agencywide Documents Access and Management System [ADAMS] Accession Number ML14203A346), providing clarification to the United States Enrichment Corporation's (the Corporation's) May 14, 2014, responses (ADAMS Accession Number ML14142A021) to the U. S. Nuclear Regulatory Commission's (NRC's) request for additional information dated April 16, 2014 (ADAMS Accession Number ML14099A187). Enclosure 3 of your July 16, 2014, letter provided an affidavit, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390(b)(4), executed by you on July 16, 2014, requesting to withhold the information contained in Enclosure 1, and the Schedule B of the Standby Trust Agreement in Enclosure 2 to the GDP 14-0015 letter from public disclosure pursuant to 10 CFR 2.390 (b)(4).

The affidavit stated that the information submitted in Enclosure 1 and Schedule B of Enclosure 2 of GDP 14-0015 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 the Corporation.
2. The information is of a type customarily held in confidence by the Corporation 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 the Corporation's competitors without license from the Corporation 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 the Corporation, its customers or suppliers.
7. It reveals aspects of past, present, or future Corporation's or customer funded development plans and programs of potential commercial value to the Corporation.
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 the Corporation's systems which include:
 - a. The use of such information by the Corporation gives the Corporation a competitive advantage over its competitors;
 - b. The information is marketable in many ways;
 - c. Use of the information by competitors would put the Corporation at a competitive disadvantage by reducing their expenditure of resources at the Corporation'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 the corporation in the world market, and thereby give a market advantage to the competition of those countries; and
 - f. The Corporation's capacities to invest assets in research and development depend 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 the Corporation's knowledge and belief.

We reviewed the information provided in your July 16, 2014, letter and the affidavit requesting to withhold this information in accordance with the requirements of 10 CFR 2.390. On the basis of the statements contained in the letter and its enclosures, we have determined that the submitted information sought to be withheld contains proprietary, trade secrets, and commercial or financial information and should be withheld from public disclosure. Therefore, the documents listed above, marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(4). Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned with inspecting 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.

In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," of 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 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 matter, I may be reached at 301-287-9070 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. 07007001
Certificate No. GDP-1

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If you have any questions regarding this matter, I may be reached at 301-287-9070 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. 07007001
 Certificate No. GDP-1

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ADAMS Accession No.: ML14237A489

OFFICE	NMSS/FCSS/UEB	NMSS/FCSS/UEB	NMSS/FCSS/UEB	NMSS/FCSS/UEB
NAME	OSiurano	DMiller	BSmith	OSiurano
DATE	08/25/14	08/26/14	08/26/14	08/26/14

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