

October 27, 2005

Mr. Steven A. Toelle, Director
Nuclear Regulatory Affairs
USEC Inc.
Two Democracy Center
6903 Rockledge Drive
Bethesda, MD 20817-1818

SUBJECT: NRC APPROVAL OF USEC INC.'S REQUEST FOR WITHHOLDING
INFORMATION FROM PUBLIC DISCLOSURE FOR THE AMERICAN
CENTRIFUGE PLANT (TAC NO. L32307)

Dear Mr. Toelle:

By letter dated September 1, 2005, containing an affidavit dated the same as the letter and executed by Steven A. Toelle, USEC Inc. (USEC) requested the U.S. Nuclear Regulatory Commission (NRC) to withhold from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390, information contained in the following documents referenced in the September 1, 2005, letter:

- AET 05-0025 - Submittal of Integrated Safety Analysis Supporting Document
- AET 05-0037 - Submittal of Additional Information for the License Application for the American Centrifuge Plant
- AET 05-0049 - Submittal of Additional Information for the American Centrifuge Lead Cascade Facility
- AET 05-0050 - Submittal of Changed Pages for the License Application for the American Centrifuge Plant
- AET 05-0054 - Submittal of Additional Information for the American Centrifuge Plant

The affidavit stated that the submitted information 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. Policy reasons relating to public disclosure of this proprietary information being likely to cause substantial harm to the competitive position of USEC.
4. 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.
5. 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 documents 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. In addition, those documents identified in your September 1st letter that were marked as Export Controlled Information will be withheld from public disclosure.

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 also should understand that the NRC may have cause to review this determination in the future if, for example, 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 301-415-8113.

Sincerely,

/RA/

Yawar H. Faraz, Project Manager
Gas Centrifuge Facility Licensing Section
Special Projects Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Dockets: 70-7003, 70-7004

William Szymanski/DOE	Michael Marriotte/NIRS	Dan Minter/SODI
Carol O'Claire/Ohio EMA	James Curtiss/W&S	Randall DeVault/DOE
Lindsay Lovejoy/NIRS	Rod Krich/LES	Peter Miner/USEC Inc.
Rocky Brown/Mayor of Beaver	Jim Brushart/Pike Co. Comm.	Geoffrey Sea
David Bowe/SPFPA/USEC	Teddy West/Scioto Twp. Trust.	Roger Suppes/Ohio DoH
Billy Spencer/Mayor of Piketon	Vina Colley/PRESS	Donald Silverman/Morgan Lewis
Harry Rioer/Pike Co. Comm	Larry Scaggs/Seal Twp.Trust.	Mary Glasgow/Cong.Schmidt
Robert Huff/Portsmouth CoC	Ted Wheeler/Pike County Aud.	Marvin Jones/Chillicothe CoC
Kara Willis/Gov. Taft's Reg. 7	Ewan Todd/PRESS	Dwight Massie/Pike CoC
Joyce Weeth/Pike Co. Rec	Blain Beakman/Pike CoC	MarJean Kennedy/Gov. Taft
Carrie Mytinger/Cong. Ney		

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Docket: 70-7004

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USEC Website: Letter

*See previous concurrence

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OFC	GCFLS		GCFLS		OGC		GCFLS	
NAME	YFaraz:bkh1 *		LMarshall *		TRothchild *		BSmith	
DATE	10/25/05		10/24/05		10/27/05		10/27/05	

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