

September 6, 2011

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

SUBJECT: AMERICAN CENTRIFUGE PLANT AND LEAD CASCADE FACILITY, APPROVAL  
OF REQUEST TO WITHHOLD PROPRIETARY INFORMATION FROM PUBLIC  
DISCLOSURE

Dear Mr. Miner:

USEC Inc.'s, (USEC) letter AET 11-0039, dated July 22, 2011, and received on August 4, 2011, provided USEC's responses to the U.S. Nuclear Regulatory Commission's (NRC's) request for additional information dated May 24, 2011, related to the proposed changes to Chapter 10.0 of the License Application and the Decommissioning Funding Plan for the License Application for the American Centrifuge Lead Cascade Facility (TAC L33103). Enclosure 6 of this letter provided an affidavit executed by you, dated July 22, 2011, 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, information contained in Enclosure 4 of AET 11-0039.

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 for the following reasons:
  - a. the information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.);
  - b. it consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.);
  - c. 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;
  - d. it reveals cost or price information, production capacities, budget levels, or commercial strategies of USEC, its customers or suppliers;
  - e. it reveals aspects of past, present, or future USEC or customer-funded development plans and programs of potential commercial value to USEC;
  - f. it contains patentable ideas, for which patent protection may be desirable; and
  - g. it reveals information concerning the terms and conditions, work performed, administration, performance under or extension of contracts with its customers or suppliers.

3. There are sound policy reasons behind the USEC 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.
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 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 at [osiris.siurano-perez@nrc.gov](mailto:osiris.siurano-perez@nrc.gov).

Sincerely,

**/RA/**

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

Docket Nos. 70-7003, 70-7004  
License Nos. SNM-7003, SNM-2011

cc: Mr. Terry Sensue, USEC Inc.  
American Centrifuge Plant  
PO Box 628, MS 7560  
Piketon, OH 45661

If you have any questions regarding this matter, I may be reached at 301-492-3117, or via e-mail at [osiris.siurano-perez@nrc.gov](mailto:osiris.siurano-perez@nrc.gov).

Sincerely,

**/RA/**

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

Docket Nos. 70-7003, 70-7004  
License Nos. SNM-7003, SNM-2011

cc: Mr. Terry Sensue, USEC Inc.  
American Centrifuge Plant  
PO Box 628, MS 7560  
Piketon, OH 45661

**DISTRIBUTION:**

FCSS r/f  
AHsia/FCSS  
USEC Web site

UEB r/f  
JDowns/FCSS

JKinneman/FCSS  
JCalle/RII

MBailey/FCSS  
DHartland/RII

**ML11241A117**

OFFICE	FCSS/UEB	FCSS/FMB	FCSS/UEB
NAME	OSiurano	LAllen	BSmith
DATE	08/30/11	08/30/11	09/6/11

**OFFICIAL RECORD COPY**