



~~USEC Proprietary Information~~

August 8, 2012  
AET 12-0043

ATTN: Document Control Desk  
Mr. Patricia K. Holahan, Director  
Division of Security Operations  
Office of Nuclear Security and Incident Response  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**American Centrifuge Plant and American Centrifuge Lead Cascade Facility  
Docket Numbers 70-7004 and 70-7003; License Numbers SNM-2011 and SNM-7003  
Submission of Non-Possessing Security Plan for American Centrifuge Limited Liability  
Companies – USEC Proprietary Information**

**INFORMATION TRANSMITTED HERewith IS PROTECTED FROM PUBLIC  
DISCLOSURE AS CONFIDENTIAL COMMERCIAL OR FINANCIAL INFORMATION  
AND/OR TRADE SECRETS PURSUANT TO 10 CFR 2.390 AND 9.17(a)(4)**

Dear Ms. Holahan:

Revised Owners, Officers, Directors, and Executive Personnel (OODEP) forms were submitted to the U.S. Nuclear Regulatory Commission (NRC) on July 24, 2012 for USEC Inc.; American Centrifuge Holdings, LLC; American Centrifuge Enrichment, LLC; American Centrifuge Operating, LLC; and American Centrifuge Manufacturing, LLC (Reference 1). Each of these Limited Liability Companies has assigned a new Facility Security Officer (FSO) as shown on their respective OODEP. Accordingly, please find a Non-Possessing Security Plan that has been established by the FSO for each of the companies in Enclosures 1-5. Enclosures 1-5 contain USEC Proprietary Information; therefore, USEC requests that these enclosures be withheld from public disclosure pursuant to 10 *Code of Federal Regulations* (CFR) 2.390(a)(4). An affidavit required by 10 CFR 2.390(b)(1)(ii) is provided in Enclosure 6 of this letter.

If you have any questions, please contact me at (301) 564-3470.

Sincerely,

Peter J. Miner  
Director, Nuclear Safety and Safeguards

Document herewith contains  
~~USEC Proprietary Information~~  
When separated from Enclosures 1-5, this letter is uncontrolled.

USEC Inc.  
6903 Rockledge Drive, Bethesda, MD 20817-1818  
Telephone 301-564-3200 Fax 301-564-3201 <http://www.usec.com>

NSIRD8

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Enclosures: As stated

cc (without enclosures, unless otherwise noted):

- J. Calle, NRC Region II
- J. Downs, NRC HQ
- K. Everly, NRC HQ (w/enclosures)
- P. Jackson, DOE ORO (w/enclosures)
- L. Pitts, NRC Region II
- O. Siurano, NRC HQ (w/enclosures)
- B. Smith, NRC HQ
- B. Stapleton, NRC HQ

Reference:

1. USEC letter GDP 12-0025 from S. A. Toelle to P. K. Holahan (NRC) regarding Transmittal of Updated OODEP Listings, dated July 24, 2012

**Enclosure 6 of AET 12-0043**

**Affidavit**

Information Contained Within  
Does Not Contain  
Export Controlled Information

Name: Gregg Peed  
Date: 08/08/2012

**AFFIDAVIT OF PETER J. MINER  
SUPPORTING APPLICATION TO WITHHOLD FROM  
PUBLIC DISCLOSURE CERTAIN INFORMATION CONTAINED  
WITHIN LETTER AET 12-0043, NON-POSSESSING SECURITY PLAN FOR  
AMERICAN CENTRIFUGE LIMITED LIABILITY COMPANIES**

I, Peter J. Miner, of USEC Inc., having been duly sworn, do hereby affirm and state:

1. I have been authorized by USEC Inc. to (a) review the information owned by USEC Inc. and referenced herein relating to the Non-Possessing Security Plan for USEC Inc.; American Centrifuge Holdings, LLC; American Centrifuge Enrichment, LLC; American Centrifuge Operating, LLC; and American Centrifuge Manufacturing, LLC which USEC Inc. seeks to have withheld from public disclosure pursuant to section 147 of the *Atomic Energy Act* (AEA), as amended, 42 U.S.C § 2167, and 10 CFR 2.390(a)(4), and 9.17(a)(4), apply for the withholding of such information from public disclosure by the U.S. Nuclear Regulatory Commission on behalf of USEC Inc.
2. Consistent with the provisions of 10 CFR 2.390(b)(4) of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
  - i. The information sought to be withheld from public disclosure is owned and has been held in confidence by USEC Inc.
  - ii. The information is of a type customarily held in confidence by USEC Inc. and not customarily disclosed to the public. USEC Inc. has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute USEC Inc. policy and provide the rational basis required. Under that system, information

is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where presentation of its use by any of USEC Inc.'s competitors without license from USEC Inc. constitutes a competitive economic advantage over other companies.
  - b) 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).
  - 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 Inc., its customers or suppliers.
  - e) It reveals aspects of past, present, or future USEC Inc. or customer funded development plans and programs of potential commercial value to USEC Inc.
  - f) It contains patentable ideas, for which patent protection may be desirable.
  - g) It reveals information concerning the terms and conditions, work performed, administration, performance under or extension of contracts with its customers or suppliers.
- iii. There are sound policy reasons behind the USEC Inc. system which include the following:
- a) The use of such information by USEC Inc. gives USEC Inc. a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the USEC Inc.

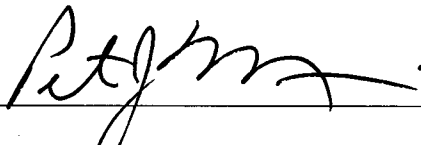
competitive position.

- b) It is information, which is marketable in many ways. The extent to which such information is available to competitors diminishes USEC Inc.'s ability to sell products and services involving the use of the information.
  - c) Use by our competitors would put USEC Inc. at a competitive disadvantage by reducing their expenditure of resources at USEC Inc. expense.
  - d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components or proprietary information, any one component may be the key to the entire puzzle, thereby depriving USEC Inc. of a competitive advantage.
  - e) Unrestricted disclosure would jeopardize the position of prominence of USEC Inc. in the world market, and thereby give a market advantage to the competition of those countries.
  - f) The USEC Inc. capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- iv. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.
- v. The detailed 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 our knowledge and belief.
3. The proprietary information sought to be withheld is contained in Enclosures 1-5 of letter AET 12-0043. These enclosures contain security-related information detailing the controls that must be utilized for protection of classified matter at specific locations, with the names of the Facility Security Officers identified. This information, in the aggregate, could cause

an increased risk to the security and/or protection should this information be publicly available to adversaries.

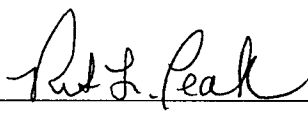
Further the deponent sayeth not.

Peter J. Miner, having been duly sworn, hereby confirms that I am the Director, Regulatory and Quality Assurance of USEC Inc., that I am authorized on behalf of USEC Inc. to review the information attached hereto and to sign and file with the U.S. Nuclear Regulatory Commission this affidavit and the attachments hereto, and that the statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief.

  
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Peter J. Miner

State of Maryland            )  
  ) ss.  
County of Montgomery    )

On this 8<sup>th</sup> day of August 2012, the individual signing above personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the same for the purposes therein contained. In witness hereof I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Rita L. Peak, Notary Public  
My commission expires December 10, 2013

