



August 23, 2004
AET 04-0023

Mr. Jack Strosnider
Director, Office of Nuclear Material Safety and Safeguards
Attention: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

**American Centrifuge Plant
Docket Number 70-7004
Submittal of Proprietary Pages of License Application, Environmental Report, Emergency
Plan, and Integrated Safety Analysis Summary**

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

Dear Mr. Strosnider:

This letter submits certain sensitive information from the License Application, Environmental Report, Emergency Plan, and Integrated Safety Analysis (ISA) Summary for the American Centrifuge Plant. The License Application pages are provided in Enclosure 1, the Environmental Report pages are provided in Enclosure 2, the Emergency Plan pages are provided in Enclosure 3, and the ISA Summary pages are provided in Enclosure 4.

The information in Enclosures 1, 2, 3, and 4 is exempt from public disclosure pursuant to 10 *Code of Federal Regulations* (CFR) 2.390(d)(1). USEC Inc. hereby requests that Enclosures 1, 2, 3, and 4 be withheld from public disclosure. Enclosure 5 is an affidavit as required by 10 CFR 2.390(b)(1)(ii). If you have any questions regarding this matter, please contact Peter J. Miner at 301-564-3470.

Sincerely,

Steven A. Toelle
Director, Nuclear Regulatory Affairs

cc: J. Giitter, NRC HQ
Y. Faraz, NRC HQ

Enclosures: As Stated

umss01

Enclosure 1 to AET 04-0023

License Application Pages

Enclosure 5 to AET 04-0023

Affidavit

**AFFIDAVIT OF STEVEN A. TOELLE
SUPPORTING APPLICATION TO WITHHOLD FROM
PUBLIC DISCLOSURE CERTAIN INFORMATION CONTAINED IN THE LICENSE
APPLICATION, ENVIRONMENTAL REPORT, AND EMERGENCY PLAN**

I, Steven A. Toelle, 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. which is referenced herein from the License Application, Environmental Report, Emergency Plan , and Integrated Safety Analysis (ISA) Summary for the American Centrifuge Plant 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, 10 *Code of Federal Regulations* (CFR) 2.390(d)(1), and 9.17(a)(4); and (b) apply for the withholding of such information from public disclosure by the U.S. Nuclear Regulatory Commission (NRC) on behalf of USEC Inc.
2. Pursuant to 10 CFR 70, USEC Inc. has prepared specific information for the License Application, Environmental Report, Emergency Plan, and ISA Summary that is similar to that which was removed from the USEC Inc. website soon after the terrorist attacks of September 11, 2001 in response to a request by NRC. As discussed previously with the NRC Staff, this information does not contain classified information but is considered to be related to USEC Inc.'s physical protection program since it could assist an adversary in planning a terrorist attack.
3. 10 CFR 2.390(d)(1) states that correspondence and reports to or from the NRC which contain information concerning an applicant's physical protection or material control and accounting program for special nuclear material not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data are deemed to be confidential commercial or financial information exempt from public disclosure. Enclosures 1, 2, 3, and 4 to Letter AET 04-0023 contain such information. Accordingly, USEC Inc. requests that Enclosures

1, 2, and 3 to Letter AET 04-0023 be withheld from public disclosure pursuant to section 147 of the AEA, as amended, 42 U.S.C. §2167, 10 CFR 2.390(d)(1), and 9.17(a)(4).

4. Steven A. Toelle, having been duly sworn, hereby confirms that I am the Director, Nuclear Regulatory Affairs 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 NRC 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.

S. A. Toelle

Steven A. Toelle

On this 23rd day of August 2004, the officer 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.

Robin D. Johnson

Robin D. Johnson, Notary Public
State of Maryland, Montgomery County
My commission expires June 1, 2006