

From: Yawar Faraz
To: Brian Smith; Timothy Johnson
Date: 7/6/05 3:52PM
Subject: Re: My discussion with Pete Miner of USEC Inc.

USEC is asking the NRC for the report only after several failed attempts with DOE.

>>> Timothy Johnson 07/06/05 02:28PM >>>

Re. the DOE cost report: Why don't they just ask DOE for the report?? Since there is no non-disclosure agreement between LES and USEC, I doubt we can provide this information to them.

>>> Yawar Faraz 07/06/05 02:24PM >>>

Brian,

I called Pete this morning to inform him of a couple of items related our review of the ACP application.

1. I informed Pete that the NRC would be issuing a letter to USEC in the next day or two informing them that, as was done in the LES proceedings, and as discussed in the last management meeting with USEC, the NRC will be un-redacting the ACP application documents that the NRC had redacted last December. As such, I requested Pete to provide me, on a CD, after receiving the letter, all documents associated with the original application submitted last August that the NRC had redacted in December. I asked Pete to only submit as "Proprietary Information" those documents for which 10 CFR 2.390 applies. I said that if based on DOE requirements, a document needs to be marked Export Controlled Information (ECI), then USEC should continue to mark and submit it as an ECI document.

2. I told Pete that we are considering sending USEC another letter concerning USEC's proprietary submittals. Concerning affidavits that USEC has been submitting with its requests marked proprietary, I indicated that affidavits are only required for submittals that contain "business proprietary" (commercial) information and not for other types of documents that are marked proprietary under 10 CFR 2.390 such as security plans. I added that, to facilitate our current and future reviews of USEC's business proprietary submittals, starting with USEC's April 29, 2005 submittal (AET-05-0030), USEC should clearly delineate to the NRC exactly what information in the document marked proprietary constitutes "business proprietary" information.

3. During the call, Pete asked me if the NRC had the DOE report that provided the basis for the tails disposition cost estimate it provided LES. I said that LES had submitted that report to the NRC as proprietary information and that only the parties to the LES proceedings under a protective order would have access to it. Pete asked if there was anyway that the NRC could give USEC access to this report. I said that I would ask OGC this question and get back to him.

Yawar
415-8113

CC: Chris Graves; E. Slaggie; Linda Marshall; Marian Zabler; Stan Echols

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Subject: Re: My discussion with Pete Miner of USEC Inc.
Creation Date: 7/6/05 3:52PM
From: Yawar Faraz
Created By: YHF@nrc.gov

Recipients

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 DCG CC (Chris Graves)
 FSE CC (Stan Echols)

nrc.gov

owf5_po.OWFN_DO
 ELS CC (E. Slaggie)
 MLZ CC (Marian Zobler)

nrc.gov

twf4_po.TWFN_DO
 BWS1 (Brian Smith)
 LXG3 CC (Linda Marshall)
 TCJ (Timothy Johnson)

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