

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

**Before Administrative Judges:
Lawrence G. McDade, Chairman
Paul B. Abramson
Richard E. Wardwell**

**DOCKETED
USNRC**

July 27, 2005 (10:12am)

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

In the Matter of)

USEC Inc.)
(American Centrifuge Plant))

July 27, 2005

Docket No. 70-7004

**RESPONSE OF USEC INC. TO BOARD INQUIRIES
REGARDING PRESS ACCESS TO WITHHELD FIGURES**

In a July 19, 2005 teleconference between the Atomic Safety and Licensing Board (Board), USEC Inc. (USEC), the NRC Staff, and Petitioners in the above-captioned proceeding, the Board requested that the Staff and USEC provide their views with respect to the public availability of the following figures redacted from USEC's Environmental Report – Figures 3.4.1-1, 3.4.2-1, 3.4.2-2, and 3.4.3-1. USEC's response to the Board's request is presented below. USEC has consulted with counsel for the NRC Staff and the Staff concurs with this response.

The referenced figures were withheld from public disclosure pursuant to 10 CFR § 2.390(d)(1) as “[c]orrespondence and reports to . . . the NRC which contain information . . . concerning a licensee's or applicant's physical protection . . . program . . . not otherwise designated as Safeguards Information or classified as National Security

Information or Restricted Data.” The figures all provide Portsmouth site layout

TEMPLATE = SECY-035

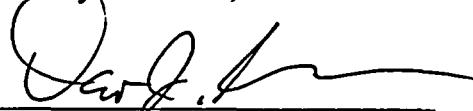
SECY-02

information of a type which the NRC sought to protect from public disclosure under its post-September 11 guidelines for access to information.

On July 7, 2005, the NRC Staff wrote USEC indicating that previously redacted documents may now be subject to public disclosure. USEC is presently reviewing those portions of its License Application against the Staff's directions, and may conclude that the figures in question are now suitable for public release. USEC anticipates making such a decision by about August 15.

However, we request that the Board note that procedures have existed for Petitioners to have sought access to these figures. To the best of our knowledge, they have not done so, despite the fact that the redacted figures were referenced in USEC's Environmental Report submitted to the NRC almost one year ago. Whether or not public access to these figures is provided, it should not, in our view, delay a prompt Board decision on the existing, proposed contentions.

Respectfully submitted,



Donald J. Silverman, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20005
Phone: (202) 739-5502
E-mail: dsilverman@morganlewis.com

Dennis J. Scott, Esq.
Assistant General Counsel
USEC Inc.
6903 Rockledge Drive
Bethesda, MD 20817
Phone: (301) 564-3352
E-mail: scottd@usec.com

Counsel for USEC Inc.

Dated July 27, 2005

Before Administrative Judges:
Lawrence G. McDade, Chairman
Paul B. Abramson
Richard E. Wardwell

CERTIFICATE OF SERVICE

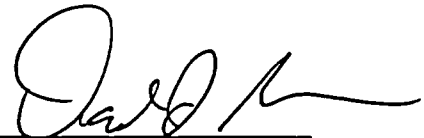
Melissa L. Duffy
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: mld5@nrc.gov)

Richard E. Wardwell
Attn: ASLBP
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
(E-mail: rew@nrc.gov)

Ewan Todd
PRESS
403 E. Oakland Ave.
Columbus, OH 43202
(E-mail: ewan@mathcode.net)

Vina K. Colley
PRESS
3706 McDermott Pond Creek
McDermott, Ohio 45652
(E-mail: vcolley@earthlink.net)

Geoffrey Sea
The Barnes Home
1832 Wakefield Mound Road
Piketon, Ohio 45661
(E-mail: sargentspigeon@aol.com)



Donald J. Silverman
Counsel for USEC Inc.