

April 3, 2006 GDP ()6-0020

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

Paducah Gaseous Diffusion Plant (PGDP) Docket No. 70-7001, Certificate No. GDP-1 Transmittal of 2006 Annual Update to Certification Application

> 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 Mr. Strosnider:

By separate letter of the same date (Letter GDP 06-0019), the United States Enrichment Corporation (USEC) is submitting to the Nuclear Regulatory Commission (NRC) the 2006 Annual Update to the certification documents for the Paducah, Kentucky Gaseous Diffusion Plant. As described in letter GDP 06-0019, certain portions of the 2006 Annual Update contain confidential commercial or financial information or trade secrets that are exempt from public disclosure pursuant to Section 1314 of the Atomic Energy Act of 1954, as amended, and 10 CFR 2.390 and 9.17(a)(4).

In accordance with 10 CFR 76.33(e), proprietary versions of the documents listed below are being submitted with this letter. USEC specifically requests that the following enclosed documents be withheld from public disclosure:

United States Enrichment Corporation, Paducah Gaseous Diffusion Plant, Fundamental Nuclear Materials Control Plan, (Proprietary), Revision 100.

The enclosed USEC affidavit provides the information required by 10 CFR 2.390(b)(4).

The information contained in USEC letter GDP 06-0019 dated April 3, 2006 (including the accompanying oath and affirmation) is hereby incorporated by reference into this letter.

NMSSOI

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Should you have any questions regarding this matter, please contact Mark Smith at (301) 564-3244. There are no new commitments contained in this submittal.

Sincerely,

S. A. In

Steven A. Toelle Director, Regulatory Affairs

Enclosures: 1. Affidavit

2. USEC-01, Application for United States Nuclear Regulatory Commission Certification, Paducah Gaseous Diffusion Plant, Revision 100, Proprietary, 6 copies

cc: G. Janosko, NRC HQ

J. Henson, NRC Region II
M. Thomas, NRC Senior Resident Inspector – PGDP
R. DeVault, DOE
D. Martin, NRC Project Manager – PGDP

(w/o) USEC-01, Copy Numbers 442, 664 USEC-01, Copy Number 697 USEC-01, Copy Numbers 641-644 (w/o) Enclosure 1 GDP 06-0020

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Affidavit

## AFFIDAVIT OF STEVEN A. TOELLE SUPPORTING APPLICATION TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN PORTIONS OF REVISION 100 TO USEC-01 APPLICATION FOR UNITED STATES NUCLEAR REGULATORY COMMISSION CERTIFICATION PADUCAH GASEOUS DIFFUSION PLANT

I, Steven A. Toelle, of the United States Enrichment Corporation (USEC), having been duly sworn, do hereby affirm and state:

1. I have been authorized by USEC to (a) review the information owned by USEC which is referenced herein relating to the Paducah Gaseous Diffusion Plant and which USEC 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)(3), 2.390(a)(4), 2.390(d)(1) and 9.17(a)(4), and (b) apply for the withholding of such information from public disclosure by the Nuclear Regulatory Commission (NRC) on behalf of USEC.

## Fundamental Nuclear Materials Control Plan

- 2. Pursuant to 10 CFR 76.35(h), USEC has prepared a "Fundamental Nuclear Materials Control Plan (FNMCP), Paducah Gaseous Diffusion Plant" which describes the measures used by USEC at the Paducah plant to control and account for special nuclear material that USEC uses, possesses, or has access to. USEC is submitting changes to this plan to the NRC as part of Revision 100, March 26, 2006, to its application for a certificate of compliance for the Paducah plant under 10 CFR Part 76.
- 3. 10 CFR 2.390(d)(1) states that correspondence and reports to or from the NRC containing information concerning an applicant's 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. The FNMCP contains such information. Accordingly, USEC requests that the Revision 100 changes to the "Fundamental Nuclear Materials Control Plan (FNMCP)" be withheld from public disclosure pursuant to section 147 of the AEA, 42 U.S.C. § 2167, and 10 CFR 2.390(a)(3), 2.390(d)(1) and 9.17(a)(4).

Steven A. Toelle, having been duly sworn, hereby confirms that I am the Director, Regulatory Affairs of USEC, that I am authorized on behalf of USEC to review the information attached hereto and to sign and file with the 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.

Steven A. Toelle

On this 3rd day of April 2006, 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.

4.

Rita Peak-Campbell, Notary Public State of Maryland, Montgoinery County My commission expires December 1, 2009



## Enclosure 2 to GDP 06-0020

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USEC-01 Application for the United States Nuclear Regulatory Commission Certification Paducah Gaseous Diffusion Plant Revision 100 (March 26, 2006) Proprietary