

June 12, 2006

Mr. Steven A. Toelle, Director  
Nuclear Regulatory Affairs  
USEC Inc.  
Two Democracy Center  
6903 Rockledge Drive  
Bethesda, MD 20817-1818

SUBJECT: NRC APPROVAL OF USEC INC.'S REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR THE AMERICAN  
CENTRIFUGE PLANT (TAC NOS. L32306, L32307 and L32308)

Dear Mr. Toelle:

By letter dated May 8, 2006, containing an affidavit dated the same as the letter and executed by Steven A. Toelle, USEC Inc. (USEC) requested the U.S. Nuclear Regulatory Commission (NRC) to withhold from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390, information contained in the following document:

May 8, 2006 -

- AET 06-0061 - Submittal of Planned Pre-Construction Activities for the American Centrifuge Plant.  
Enclosure 1 contains USEC's list of planned pre-construction activities.

The affidavit states that the submitted information should be considered exempt from mandatory public disclosure for the following reasons, among others:

1. The information sought to be withheld from public disclosure is owned and has been held in confidence by USEC.
2. The information is of a type customarily held in confidence by USEC and not customarily disclosed to the public.
3. The information is being transmitted to the NRC in confidence and, under the provisions of 10 CFR 2.390, is to be received in confidence by the NRC.
4. The 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 USEC's knowledge and belief.
5. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of USEC because it may enhance the ability of competitors to position and provide similar products.

The affidavit goes on to specify that disclosure of the information contained in Enclosure 1 would identify USEC's plans for phased deployment of the American Centrifuge Plant.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the documents listed above marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified of the date of public disclosure, in advance which will be a reasonable time thereafter.

If you have any questions regarding this matter, I may be reached at 301-415-6981.

Sincerely,

\RA\

Stan Echols, Senior Project Manager  
Gas Centrifuge Facility Licensing Section  
Special Projects Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket: 70-7004

cc: William Szymanski/DOE	Michael Marriotte/NIRS
Dan Minter/SODI	Carol O'Claire/Ohio EMA
James Curtiss/W&S	Randall DeVault/DOE
Rod Krich/LES	Peter Miner/USEC Inc.
Rocky Brown/Mayor of Beaver	Garry Hager/SPFPA/USEC
Billy Spencer/Mayor of Piketon	Jim Brushart/Pike Co. Comm. Chair.
Harry Rioer/Pike Co. Commissioner	Teddy West/Scioto Twp. Trustee
Larry Scaggs/Seal Twp. Trustee	Ted Wheeler/Pike County Auditor
Kara Willis/ Gov. Taft's Reg. 7 office	Robert Huff/Portsmouth CoC
Mary Glasgow/Cong. Portman	Marvin Jones/Chillicothe CoC
Donald Silverman/Morgan Lewis	Roger Suppes/Ohio DoH
Lindsay Lovejoy/NIRS	Patricia Marida/Ohio Sierra Club
Vina Colley/PRESS	Ewan Todd
Elisa Young	Geoffrey Sea

June 12, 2006

The affidavit goes on to specify that disclosure of the information contained in Enclosure 1 would identify USEC's plans for phased deployment of the American Centrifuge Plant.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the documents listed above marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified of the date of public disclosure, in advance which will be a reasonable time thereafter.

If you have any questions regarding this matter, I may be reached at 301-415-6981.

Sincerely,

\RA\

Stan Echols, Senior Project Manager  
Gas Centrifuge Facility Licensing Section  
Special Projects Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket: 70-7004

cc: William Szymanski/DOE	Michael Marriotte/NIRS
Dan Minter/SODI	Carol O'Claire/Ohio EMA
James Curtiss/W&S	Randall DeVault/DOE
Rod Krich/LES	Peter Miner/USEC Inc.
Rocky Brown/Mayor of Beaver	Garry Hager/SPFPA/USEC
Billy Spencer/Mayor of Piketon	Jim Brushart/Pike Co. Comm. Chair.
Harry Rioer/Pike Co. Commissioner	Teddy West/Scioto Twp. Trustee
Larry Scaggs/Seal Twp. Trustee	Ted Wheeler/Pike County Auditor
Kara Willis/ Gov. Taft's Reg. 7 office	Robert Huff/Portsmouth CoC
Mary Glasgow/Cong. Portman	Marvin Jones/Chillicothe CoC
Donald Silverman/Morgan Lewis	Roger Suppes/Ohio DoH
Lindsay Lovejoy/NIRS	Patricia Marida/Ohio Sierra Club
Vina Colley/PRESS	Ewan Todd
Elisa Young	Geoffrey Sea

DISTRIBUTION:

FCSS r/f	SPBr/f	Hearing file	
JStrosnider, NMSS	JGitter, SPB	RHannah,RII	RVirgilio,OSP
TJohnson, SPB	WTroskoski, SPB	DSeymour,RII	NGarcia, SPB
LTrocine, OE	JHenson, RII	DMcIntyre,OPA	SEchols, SPB
RTrojanowski, RII	JDavis,DWM	LSilvious,NSIR	
SFlanders, DWM	WBrach, SFPO	MBlevins, DWM	
RWescott, SPB	MGalloway, TSG	SGagner, OPA	
KEverly, NSIR	HGraves, RES	RShaffer, RES	
BSmith, OGC	TCombs, OCA	MDuffy, OGC	
USEC Website: Letter			

**ML061580324**

OFC	GCFLS	GCFLS	GCFLS		
<b>NAME</b>	FEchols	LMarshall	BSmith		
<b>DATE</b>	06/ 07/06	06/ 07/06	06/12 /06		

**OFFICIAL RECORD COPY**