

July 28, 2006

Mr. Steven A. Toelle, Director
Regulatory Affairs
USEC Inc.
6903 Rockledge Dr.
Bethesda, MD 20817-1818

SUBJECT: AMERICAN CENTRIFUGE PLANT, APPROVAL OF REQUEST TO WITHHOLD PROPRIETARY INFORMATION FROM PUBLIC DISCLOSURE FOR LICENSE APPLICATION CHANGES AND 10 CFR PART 140 EXEMPTION REQUEST, (TACS L32303, L32307, AND L32308)

Dear Mr. Toelle:

By letters dated June 5, 2006 (AET 06-0062 and AET 06-0075) and July 5, 2006 (AET 06-0084), containing affidavits dated the same as the letters 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 documents:

June 5, 2006 - Submittal of Planned Changes to the License Application and Supporting Documents for the American Centrifuge Plant - Enclosures 3 and 4;

June 5, 2006 - Submittal of 10 CFR Part 140 Exemption Request for the American Centrifuge Plant - Enclosure 2; and

July 5, 2006 - Submittal of Supplemental Information Regarding the Environmental Report for the American Centrifuge Plant - Enclosure 1.

The affidavits stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

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. 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.
4. 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.

5. 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.

We have reviewed your applications 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 301-415-3194.

Sincerely,

\RA\

James R. Downs, Acting Project Manager
Gas Centrifuge Facility Licensing Section
Special Projects Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

cc:

William Szymanski/DOE	Michael Marriotte/NIRS	Dan Minter/SODI
Carol O'Claire/Ohio EMA	James Curtiss/W&S	Randall DeVault/DOE
Lindsay Lovejoy/NIRS	Karl Gross/LES	Peter Miner/USEC Inc.
Rocky Brown/Mayor of Beaver	Jim Brushart/Pike Co. Comm.	Geoffrey Sea
David Bower/SPFPA/USEC	Teddy West/Scioto Twp. Trust.	Robert Owen/Ohio DoH
Billy Spencer/Mayor of Piketon	Vina Colley/PRESS	Donald Silverman/Morgan Lewis
Harry Rioer/Pike Co. Comm	Larry Scaggs/Seal Twp.Trust.	Carrie Mytinger/Cong. Ney
Robert Huff/Portsmouth CoC	Ted Wheeler/Pike County Aud.	Marvin Jones/Chillicothe CoC
Kara Willis/Gov. Taft's Reg. 7	Ewan Todd/PRESS	Dwight Massie/Pike CoC
Joyce Weeth/Pike Co. Rec	Blaine Beekman/Pike CoC	MarJean Kennedy/Gov. Taft

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**see previous concurrence

OFC	GCFLS		GCFLS		GCFLS	
NAME	JDowns**		LWilliamson**		BSmith**	
DATE	07/ 27 /06		07/ 28 /06		07/ 28 /06	

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