

August 17, 2006 GDP 06-0048

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

Paducah Gaseous Diffusion Plant (PGDP) Docket No. 70-7001, Certificate No. GDP-1 Transmittal of Revision 104 to Certification Application USEC-01

> 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 06-0047), the United States Enrichment Corporation (USEC) is submitting to the Nuclear Regulatory Commission (NRC) Revision 104 to the certification documents for the Paducah, Kentucky Gaseous Diffusion Plant. As described in letter GDP 06-0047, certain portions of Revision 104 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), a proprietary version of the document listed below is being submitted with this letter. USEC specifically requests that the following enclosed document be withheld from public disclosure:

United States Enrichment Corporation, Paducah Gaseous Diffusion Plant Security Program (GDPSP), Proprietary, Revision 104.

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

The information contained in USEC letter GDP 06-0047 dated August 17, 2006 (including the accompanying oath and affirmation) is hereby incorporated by reference into this letter.



Mr. Jack R. Strosnider August 17, 2006 GDP 06-0048, Page 2

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. TILL

Steven A. Toelle Director, Regulatory Affairs

Enclosures: 1. Affidavit

2. USEC-01, Application for United States Nuclear Regulatory Commission Certification, Gaseous Diffusion Plant Security Plan (GDPSP), Revision 104, Proprietary, 6 copies

| cc: R. DeVault, DOE | USEC-01, Copy Number 641 |
|--------------------------------|---|
| J. Henson, NRC Region II | USEC-01, Copy Numbers 442, 664 |
| G. Janosko, NRC HQ | (w/o) |
| D. Martin, NRC Project Manager | (w/o) |
| M. Thomas, NRC Senior Resident | Inspector – PGDP USEC-01, Copy Number 697 |

Enclosure 1 GDP 06-0048

Affidavit

AFFIDAVIT OF STEVEN A. TOELLE SUPPORTING APPLICATION TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN PORTIONS OF REVISION 104 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:

 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.

Paducah Gaseous Diffusion Plant Security Program

2. Pursuant to 10 CFR 76.35(i), 10 CFR 76.35(j), and 10 CFR 76.35(k) USEC has prepared a "Paducah Gaseous Diffusion Plant Security Program (GDPSP)" which describes the measures used by USEC at the Paducah plant to: a) protect off-site shipments of special nuclear material of low strategic significance; b) physically protect special nuclear material that the corporation uses, possesses, or has access to at fixed sites; and c) physically protect and control classified matter. USEC is submitting changes to this plan to the NRC as part of Revision 104, August 11, 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 physical protection or 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 GDPSP contains such information. Accordingly, USEC requests that the Revision 104 changes to the "Paducah Gaseous Diffusion Plant Security Program (GDPSP)" 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).
- 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.

S. A. Tull

On this 17th day of August, 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.

My commission expires December 1, 2009

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