March 23, 2010

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

SUBJECT: APPROVAL OF UNITED STATES ENRICHMENT CORPORATION'S REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE, REVISION 99 TO CERTIFICATION APPLICATION, PORTSMOUTH GASEOUS DIFFUSION PLANT

Dear Mr. Toelle:

By letter dated December 15, 2009, you submitted an affidavit dated December 15, 2009, requesting that the information contained in your letter, concerning United States Enrichment Corporation's (USEC's) transmittal of Revision 99 to the certification application documents for the Portsmouth Gaseous Diffusion Plant (PORTS), be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390. USEC specifically requests that the following enclosed documents be withheld from public disclosure:

- USEC, Fundamental Nuclear Materials Control Plan, PORTS (Proprietary), Revision 99; and

- USEC, Gaseous Diffusion Plant Security Program (GDPSP), PORTS (Proprietary), Revision 99.

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

> 10 CFR 2.390 (d)(1) states that correspondence and reports to or from the U.S. Nuclear Regulatory Commission (NRC) containing information concerning an applicant's physical protection or material control and accounting program for special nuclear material (SNM) 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. Accordingly, USEC requests that the Revision 99 changes to the "Fundamental Nuclear Materials Control Plan," be withheld from public disclosure pursuant to Section 147 of the Atomic Energy Act (AEA), U.S. Code: Title 42 (42 U.S.C.), Section 2167, and 10 CFR 2.390(a)(3), 2.390(d)(1) and 9.17 (a)(4).
>
> 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 SNM not otherwise designated as Safeguards Information (SGI) or classified as National Security Information or Restricted Data are deemed to be confidential commercial or financial information exempt from public disclosure. The Portsmouth GDPSP contains such information. Accordingly, USEC requests that the Revision 99 changes to "Portsmouth Gaseous Diffusion Plant Security Program," be withheld from public

disclosure pursuant to section 147 of the AEA, 42 U.S.C. Section 2167, and 10 CFR 2.390(a)(3), 2.390(d)(1) and 9.17 (a)(4).

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

Therefore, the aforementioned documents marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(a)(3), 2.390(d)(1), and 9.17(a)(4) of the AEA.

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 in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 492-3217, or via e-mail to Tilda.Liu@nrc.gov.

Sincerely,

/RA/

Tilda Y. Liu, Senior Project Manager
Advanced Fuel Cycle, Enrichment
and Conversion Branch
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7002
Certificate No.: GDP-2

cc: Mr. Douglas Fogel, Manager
Nuclear Regulatory Affairs
Portsmouth Gaseous Diffusion Plant
P.O. 328 MS 1218
Piketon, OH 45661

information exempt from public disclosure. The Portsmouth GDPSP contains such information. Accordingly, USEC requests that the Revision 99 changes to "Portsmouth Gaseous Diffusion Plant Security Program," be withheld from public disclosure pursuant to section 147 of the AEA, 42 U.S.C. Section 2167, and 10 CFR 2.390(a)(3), 2.390(d)(1) and 9.17 (a)(4).

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

Therefore, the aforementioned documents marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(a)(3), 2.390(d)(1), and 9.17(a)(4) of the AEA.

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If you have any questions regarding this matter, I may be reached at (301) 492-3217, or via e-mail to Tilda.Liu@nrc.gov.

Sincerely,

/RA/
Tilda Y. Liu, Senior Project Manager
Advanced Fuel Cycle, Enrichment
and Conversion Branch
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7002
Certificate No.: GDP-2

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