

963



Michael McMurphy
President and CEO

~~WITHHOLD FROM PUBLIC DISCLOSURE
UNDER 10 CFR § 2.390(b)(4)~~

April 5, 2007

Chairman Dale E. Klein
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Notice of Intent to Submit an Application for a Uranium Enrichment Facility

Dear Chairman Klein,

This letter serves as notification of AREVA's intent to submit a license application to construct and operate a gas centrifuge enrichment facility. The planned submittal date, mid-2008, is subject to AREVA obtaining any necessary government-to-government approvals. AREVA has initiated discussions with appropriate government entities and anticipates resolution of those discussions in time to support the planned submittal date. AREVA is submitting this notice so that you are able to undertake appropriate resource and budget planning in advance of submission of the application. AREVA will soon begin evaluating site selection options and will advise the NRC as to the details of these evaluations once they are completed.

AREVA has not yet publicly announced its plans to construct and operate a gas centrifuge facility. Therefore, AREVA, as the owner of this confidential information, is requesting withholding of both this letter and the affidavit accompanying this letter from public disclosure. The affidavit sets forth the bases on which this information may be withheld from public disclosure by the Commission and addresses with specificity the considerations listed in 10 C.F.R. § 2.390(b)(4).

A planning meeting with your staff will be arranged at a later date, when appropriate. If any additional information concerning this submittal is needed, please feel free to contact me at (301)-841-1660

Sincerely,

Michael McMurphy
President and Chief Executive Officer
AREVA NC Inc

CHAIRMAN REC'D
07 APR 13 PM 2:16

AREVA NC INC.

One Bethesda Center, 4800 Hampden Lane, Suite 1100, Bethesda, MD 20814
Tel: 301 841 1600 - Fax: 301 841 1612 - www.aveva.com

H-1



AFFIDAVIT OF MICHAEL A. MCMURPHY

(a) I am the President and Chief Executive Officer of AREVA NC, Inc. ("AREVA"), and as such have the responsibility of reviewing the proprietary and confidential information sought to be withheld from public disclosure in connection with our intent to prepare an application to construct and operate a uranium enrichment facility. I am authorized, on behalf of AREVA, to apply for the withholding of such proprietary and confidential information from public disclosure.

(b) I am making this affidavit in conformance with the provisions of 10 C.F.R. § 2.390 of the regulations of the Nuclear Regulatory Commission ("NRC"), and in conjunction with AREVA's request for withholding, which is accompanied by this affidavit.

(c) I have knowledge of the criteria used by AREVA in designating information as proprietary or confidential.

(d) By this submittal, AREVA seeks to protect from disclosure certain proprietary and confidential information contained in the following documents:

Notice of Intent to Submit an Application, dated April 5, 2007.

Affidavit of Michael A. McMurphy, President and CEO of AREVA NC, Inc.

The notice of intent includes, for example, preliminary proposals regarding AREVA's commercial plans to construct a gas centrifuge enrichment facility. These proposals are not public. In addition, because of the preliminary nature of the material with respect to development of an enrichment facility, the information could create inappropriate financial speculation regarding AREVA generally and the proposed enrichment facility specifically. This affidavit discusses the bases for withholding the notice of intent from public disclosure and therefore reveals the same proprietary information in the letter that AREVA seeks to protect.

(e) Pursuant to the provisions of 10 C.F.R. § 2.390(b)(4), the following is furnished for consideration by the NRC in determining whether the proprietary information sought to be protected should be withheld from public disclosure.

- (i) The information for which protection from disclosure is sought has been held in confidence by AREVA. This information is proprietary to AREVA, and AREVA seeks to protect it as such. The information proprietary to AREVA is found in the documents listed in paragraph (d), above. AREVA has determined that it is not practicable to separate the proprietary information from non-proprietary information in these documents. Therefore, AREVA seeks to protect these documents from public disclosure in their entirety.

AREVA NC INC.



~~WITHHOLD FROM PUBLIC DISCLOSURE~~
~~UNDER PROVISIONS OF 10 C.F.R. § 2.390(b)(4)(v)~~

- (ii) The information sought to be withheld is of a type that would customarily be held in confidence by AREVA. The information consists of commercial and financial information that provides a competitive advantage to AREVA.
- (iii) The information sought to be withheld is being provided to the NRC in confidence, and, under the provisions of 10 C.F.R. § 2.390, it is to be received in confidence by the NRC.
- (iv) The information sought to be withheld is not available in public sources, to the best of AREVA's knowledge and belief.
- (v) Public disclosure of the proprietary information AREVA seeks to protect is likely to cause substantial harm to AREVA's competitive position within the meaning of 10 C.F.R. § 2.390(b)(4)(v). The proprietary information has substantial commercial value to AREVA.

For all of the reasons discussed above, AREVA requests that this proprietary information be withheld from public disclosure in its entirety.

I declare under penalty of perjury that the foregoing is true and correct

Executed on April 5, 2007.

A handwritten signature in black ink, appearing to read 'Michael A. McMurphy', is written over a horizontal line.

Mr. Michael A. McMurphy
President and Chief Executive Officer
AREVA NC, Inc.
One Bethesda Center
4800 Hampden Lane
Suite 1100
Bethesda, MD 20814

AREVA NC INC.

One Bethesda Center, 4800 Hampden Lane, Suite 1100, Bethesda, MD 20814
Tel.: 301 841 1600 - Fax: 301 841 1610 - www.aveva.com